

SENATE—Thursday, August 14, 1986

(Legislative day of Monday, August 11, 1986)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we come to you this morning with the thoughtful words of St. Francis of Assisi.

Lord, make me an instrument of Thy peace * * * where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished acting majority leader, Senator ALAN SIMPSON of Wyoming.

Mr. SIMPSON. Thank you very much, Mr. President pro tempore.

A MOST APT QUOTATION

Mr. SIMPSON. Again, our Chaplain has shared with us a most apt quotation. I think so many of us know that, and certainly one of the timeless ones of philosophy, a thoughtfully presented piece on St. Francis and indeed very known to us, nearly as known as the 13th chapter of First Corinthians, "the greatest of these is love." We will need a little of that the next few days, indeed we will. But we have a target. We do not have a Rules Committee here in the U.S. Senate. We have a great freedom of debate, very important to us.

It was an excellent debate, a strong debate on the Contras, and I thought it was well done. Both sides presented themselves carefully and with great vigor, and that is what it is about. And yet we do have a target. We do have much work to do on South Africa. We will complete that, I feel quite certain, so that we might accommodate the Labor Day recess, which is very impor-

tant to many of us and to our families, and we will refresh ourselves and come back for 3-plus, almost 4 weeks of vigorous activities.

So we thank the Chaplain for those remarks. They are very much appreciated.

□ 0850

SCHEDULE

Mr. SIMPSON. Mr. President, the convening hour, of course, is 8:45 a.m.

There is time for the two leaders, under the standing order, of 10 minutes each.

There will be routine morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

At 9:15 a.m., the Senate will resume consideration of the South Africa measure, S. 2701, under the terms of the unanimous-consent agreement of August 9, 1986.

Rollcall votes can be expected throughout the day. Yesterday, I believe we had 16 rollcall votes. I think activity will be that vigorous today.

The Senate is expected to remain in session late into the evening. The majority leader will try to indicate periodically throughout the day as to our progress and what Senators' personal schedules might be, and will try to accommodate those.

Mr. President, I reserve the remainder of the time for the majority leader.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. WALLOP). The acting Democratic leader is recognized.

TRIBUTE TO THE CHAPLAIN

Mr. BENTSEN. Mr. President, I wish to join the acting majority leader in his comments with respect to the Chaplain.

When there is a battle around here, the Chaplain is often a voice of comfort and stability—not only in the remarks he makes on the floor of the Senate but also those he makes to us individually. I am appreciative of his counsel and advice.

TRADE LEGISLATION

Mr. BENTSEN. Mr. President, we are facing a tough schedule, but I

think one of the most serious questions we face, and one that we must address, is the question of trade.

Earlier this week the Senate Democratic caucus met and adopted a timely, important statement calling for trade legislation before the 99th Congress adjourns. I ask unanimous consent that the caucus statement be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENTSEN. Mr. President, with the prospect of a \$170 billion trade deficit this year, the acknowledged loss of millions of American jobs, and a currency devaluation of 30 percent, none of which have up to this point done much in the way of cutting back on that trade deficit, most people would assume that the administration is making a serious effort to address the potential problems of world trade.

Unfortunately, that is not the case. Lacking a comprehensive, consistent policy on trade, the administration is lurching from one trade crisis to another. The President and his advisers on trade have gone outside existing trade law to deal randomly and haphazardly with major trade issues like automobiles, steel, and machine tools.

A trade representative came to see me the other day and said: "I want you to know that now I am going to be able to try to work out something with you on trade. Of course, there are certain limitations placed on what I can do." It seems to me that, compared to administration opposition to a bill, that statement is a distinction without a difference.

In recent years, Congress has attempted to fill this dangerous leadership vacuum in trade by providing some logic and direction on trade policy. These efforts are frequently labeled as protectionist by an administration unwilling to face up to the problem. But in fact, Mr. President, the most effective trade actions of our Government have emanated from the Congress and been embraced only reluctantly—frequently at the last minute—by an administration desperate for ideas. What passes for administration trade policy is actually a patchwork of congressional trade initiatives.

This situation will reach crisis proportions during the new round of multilateral trade negotiations scheduled to begin soon in Punta Del Este. One

measure of the chaos and lack of purpose surrounding our trade policy is the fact that we will be sending our negotiators to Punta Del Este without adequate authority to enter meaningful negotiations.

The lack of negotiating authority will not be lost on our competitors in trade. They will understand that, and it will undermine our negotiators and dampen public support for our positions. Indeed, there are many in American industry and labor who fear that the administration sees the new round of talks as an opportunity to bury tough trade problems rather than resolve them.

Mr. President, that would be a tragedy for America. The new round of talks is a golden opportunity to reform the world trading system. No nation has a greater stake in that system than the United States; we should be spearheading the effort for reform. But the administration refuses to prepare seriously for the Punta Del Este talks and resists bipartisan congressional efforts to enact a trade bill that serves America's interests.

Congressional Democrats could remain silent and watch America's competitiveness go down the drain while the administration twiddles its thumbs on trade policy. We could take the position that there is no sense giving the administration negotiating authority it has not even requested. But we sense a broad, bipartisan concern about trade in the Congress—a concern that has nothing to do with protectionism. We think America needs a comprehensive, realistic policy to protect our trade interests and our ability to compete.

That is why, nearly a year ago, every Democrat in the Senate signed onto S. 1837, which authorized a new round of trade talks. Mr. President, there was nothing protectionist about that legislation. We do not punish any competitor. We do not protect any particular product in this country. How did the administration react? They reacted with alarm and conjured up images of the Smoot-Hawley tariff.

Why was the administration afraid of S. 1837? Because that legislation pointed toward a trade policy; it suggested the sort of leadership and vision that should have come from the administration.

Trade is not a Democratic issue; it is an American issue. Despite the lack of interest from the administration, many congressional Republicans have supported legislation that authorizes a new round of trade talks and proposes constructive elements of a national trade policy.

Mr. President, it simply makes no sense to wait for the administration to join the Congress in framing a trade policy, the administration obviously is not interested.

Instead, we will probably be treated to a lot of September surprises—a series of isolated, highly publicized, ad hoc trade actions designed to convince a few Senators to block a trade bill. There might be an action on informatics from Brazil; there might be some import protection; there could even be some harsh statements about the economic policies of our trading partners. But there will not be a trade policy, and America's ability to negotiate at the new round of trade talks will not be improved.

I know time is short and our agenda is full, but I am convinced the 99th Congress can still make a creative, constructive contribution to trade policy. The Democratic caucus is on record; we are ready to move. I hope our Republican colleagues will join with us so we can work together for a trade bill this year.

We were in the Finance Committee yesterday—the distinguished Senator from Montana was there—and the question was asked by the Republican chairman of the Subcommittee on Trade, the distinguished Senator from Missouri, as to whether the Democratic minority leader is ready to move on trade; and the minority leader said, "Yes, we are. And we are ready to work out the time limitations so that we can put the matter on the agenda, give it a high priority, and move." That is what we ought to do.

□ 0900

We have had the trade hearings. We have a House bill. We have the seeds of a bipartisan congressional trade policy. That has been planted. Now let us reap it.

We are not seeking political advantage. I stand ready to work with Senator DANFORTH, Senator PACKWOOD, and Senator DOLE to arrive at a bill Democrats can join in sponsoring.

EXHIBIT 1

STATEMENT OF THE SENATE DEMOCRATIC CAUCUS ON INTERNATIONAL TRADE LEGISLATION

The United States confronts a trade crisis, with imports exceeding exports by record levels for a fifth consecutive year. The \$170 billion annual pace of the U.S. trade deficit so far this year is a cause of our economic sluggishness in the view of most economists and could tip our country into a recession in the view of some.

Continuing record trade deficits, in fact, have held U.S. economic growth to 2.5 percent since 1981 rather than the 4 percent Administration target.

Trade deficits have made the United States the world's largest debtor nation, dependent on massive inflows of foreign capital from other nations to sustain growth and avoid higher interest rates and a reduced standard of living.

The Administration has not developed policies in response to the trade crisis. It has reacted in isolated instances, under pressure, but there is no reason to believe it has any intention of developing a consistent, comprehensive trade policy.

The Administration will attempt in September to launch a new round of negotiations leading to reform of the rules governing world trade. A New Round is needed. But the Administration intends to launch these negotiations using congressional authority dating back to the Trade Act of 1974, enacted at a time when the U.S. was the world's largest international creditor nation and enjoyed persistent trade surpluses. Moreover, these complex negotiations may continue for a decade, while the existing congressional authority expires at the end of next year.

Foreign nations are unlikely to negotiate seriously with the President on trade without some assurances as to whether resulting agreements will receive a positive response from Congress and the American people.

Since last year, Democrats in Congress have urged the Administration to seek new authority for the New Round. The Administration has declined to ask Congress for negotiating authority and has resisted efforts to provide it.

Senate Democrats believe it is very important that legislation establishing a consistent, comprehensive U.S. trade policy and authorizing New Round negotiations, after adequate consultations with Congress and the American people, be approved before the 99th Congress adjourns.

We urge Senate leadership and the Administration to join us in calling for action on this trade legislation in September.

Mr. BAUCUS. Mr. President, will the Senator from Texas yield?

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond 9:15 a.m. with statements therein limited to 5 minutes each.

Mr. BENTSEN. Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

TRADE LEGISLATION

Mr. BAUCUS. Mr. President, I commend the Senator from Texas. He is absolutely correct in pointing out the problems with our international trade and more particularly in pointing out that the Reagan administration has been, in my judgment, irresponsible in not allowing or not pushing for good, significant trade legislation this year.

We have immense economic difficulties in our country and they are going to get much worse unless we have a very firm, solid trade bill.

As an example, last fall Secretary Baker, the Treasury Secretary, finally agreed that perhaps the U.S. dollar is too high. He finally got other countries to meet with him in a coordinated reduction of the U.S. dollar, changing the exchange rates so U.S. business could export more easily.

He then projected last fall that the trade deficit for 1986 would fall by \$30

billion. Last year the trade deficit was \$150 billion.

What has happened? Our trade deficit this year will not fall by \$30 billion. The projection is that our trade deficit is going to increase by \$20 billion to \$170 billion, not a decline in our trade deficit, but an actual increase in our trade deficit.

That means lost jobs for Americans. It also means that for the first time the United States is a debtor nation. We now owe more to overseas creditors than they owe us. That has not happened in the history of our country since 1914. We are a net debtor nation.

Is that a good trade policy? No, it is not a good trade policy.

In addition, the standard of living of American workers is not rising. It has not risen in the last several years. It has started a decline on a relative basis. Our standard of living has declined on a relative basis.

I think the time is now to have a trade bill, a good trade bill, a solid trade bill.

We have an omnibus trade bill in the Finance Committee supported by nearly all Republicans and Democrats.

Why is it not moving? It is not moving because the President of the United States cavalierly, benignly does not want a trade bill. He says everything is OK. We know everything is not OK.

The time is for the President finally to realize that he has to work with Congress and pass a trade bill. The ball is in his court. The ball is at the other end of Pennsylvania Avenue. It is down at the White House. He should take that ball and play ball with Congress and more importantly do something for the American people. I do not think he is doing enough.

Mr. BENTSEN. Mr. President, will the Senator yield without losing his right to the floor.

Mr. BAUCUS. I yield.

Mr. BENTSEN. I appreciate the leadership of the distinguished Senator from Montana concerning trade. He has been in the forefront of that fight for a long time.

I think it is quite interesting to note that the CRS study we had made showed that the administration opposed every major pending trade bill both in the House and in the Senate.

Their initial reaction to trade legislation and ultimate reaction to trade legislation is always that it is protectionist. Whatever it is, they label it protectionist.

We have had bill after bill, and those bills have been introduced by Republicans and Democrats.

So that administration position has been one of obstruction rather than trying to find a constructive solution to the problem.

Mr. BAUCUS. I thank the Senator very much.

The fact is that many other countries are taking advantage of the United States. Some countries have targeted industries they protect, barriers they protect, with export subsidies we do not have. We are not Simon Pure. Of course we have some protectionist barriers.

But the fact is that most countries are more protectionist than we. They are taking advantage of us. We are the largest, most lucrative market for other countries. We are the biggest country, have the highest GNP, the highest per capita income. Other countries want to design products to sell in the United States.

I am saying we should no longer let other countries take advantage of us. We cannot wait any longer.

Mr. President, I yield the floor.

THE SENATE'S RESPONSIBILITY IN CONFIRMING JUDGES IS TO THE AMERICAN PEOPLE

Mr. FORD. Mr. President, last week when the Judiciary Committee began its hearings on the nomination of Judge Antonin Scalia to become an associate justice of the Supreme Court of the United States, my good friend and respected colleague, CHARLES MCC. MATHIAS, the chairman of the Committee on Rules and Administration, on which I am privileged to serve as ranking minority member, devoted his weekly news column to an exposition of his views on the Senate's responsibility in confirming Federal judges. In particular, his views were directed to justices of the Supreme Court.

In my opinion, the senior Senator from Maryland has in this column surpassed even his own high standard of excellence in analysis and expression. What he has written is so excellent and timely, that I wish to be sure all of our colleagues can share in its wisdom and guidance.

Senator MATHIAS WRITES;

No responsibility entrusted to the U.S. Senate is more important than the duty to participate in the process of selecting the judges of the U.S. courts.

Then, in his final paragraph, the Senator states:

For when we carry out our duty to advise the President and consent to his choice, as our predecessors first did nearly two hundred years ago, our loyalty, like theirs, is neither to party nor to the President, but it is to the people, and to the Constitution they have established. If we cannot recognize and act upon that higher loyalty when we confirm judges, we cannot demand it of the judges that we confirm.

Mr. President, Senator MATHIAS calls our attention to the importance of ascertaining where nominees to the highest court in the land may take us when they fashion their decisions and opinions. Soon we will be called upon to vote not just on Antonin Scalia, but also the new chief justice designate,

and many other Federal judge nominees. We can all benefit from reflecting on the clear and direct views expressed by Senator MATHIAS, and I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE'S RESPONSIBILITY IN CONFIRMING JUDGES IS TO THE AMERICAN PEOPLE

(By Charles McC. Mathias, Jr.)

The Senate Judiciary Committee has been holding hearings on the nomination of Antonin Scalia to become an associate justice of the Supreme Court. Judge Scalia came before us with impressive records of achievement and persuasive endorsements, not to mention the recommendation of the President of the United States. There is, from the outset, no doubt that he had the intellectual attainments and the legal and judicial experience to serve effectively on the Supreme Court. Judge Scalia's strong credentials make it all the more important that we pause at the beginning of this process to reflect on the importance of the task the Senate is about to undertake.

No responsibility entrusted to the United States Senate is more important than the duty to participate in the process of selecting the judges of the United States courts. Our role in the confirmation process is different from any other business that comes before the Senate. Most other decisions that we make are subject to revision, either by the Congress itself or by the Executive Branch. Statutes can be amended, budgets rewritten, appropriations deferred or rescinded. Of the legislative sins we commit in haste we may repent at leisure. But a judicial appointment is different; it is for life.

The decisions of a judge of an inferior court are subject to correction in the appellate process. If the system works as it should, no lower court judge can stray too far from the law of the land. But a Supreme Court Justice is different. In Justice Robert Jackson's famous dictum: "That tribunal is not final because it is infallible; but it is, in a constitutional sense, infallible because it is final."

Precedent must control a lower court's disposition of a constitutional controversy. But for the Supreme Court of the United States, precedent is a path that the court may usually—but need not always—choose to follow. Judge Scalia, if confirmed, will be charting new routes and correcting old courses. The Senate has an obligation, therefore, to find out, as best we can, where the nominee would take us, before we decide to empower him to take us here.

The Supreme Court has an unparalleled power under our constitutional system to advance the cause of liberty, or to impede it; to strengthen the foundations of republican government, or to undermine them. That may help to explain why the Framers of the Constitution thought that the power to appoint Justices was too important to be reposed in the hands of one branch of government alone. Of this sharing of power—the President's to nominate, the Senate's to confirm—Alexander Hamilton wrote, "It is not easy to conceive a plan better calculated than this, to produce a judicious choice of men for filling the offices of the Union." In the process that begins today, the nation once again puts Hamilton's assertion to the test, as we have done more than one hundred thirty times before in our history.

Judge Scalia merits our congratulations. He is the President's choice for an office of unsurpassed importance. But I think he also needs some good luck, for the scrutiny this nomination has received, will receive, and should receive must be thorough and exacting. The Constituion, and the oaths of senators to support and defend the Constitution, demand no less.

For when we carry out our duty to advise the President and consent to his choice, as our predecessors first did nearly two hundred years ago, our loyalty, like theirs, is neither to party nor to the President, but it is to the people, and to the Constitution they have established. If we cannot recognize and act upon that higher loyalty when we confirm judges, we cannot demand it of the judges that we confirm.

EXPERT ANALYSIS OF SDI COSTS

Mr. PROXMIER. Mr. President on August 10, the Washington Post published the analysis by two independent experts of the possible cost of SDI or star wars. Barry Blechman, one of the authors, is the president of Defense Forecasts. He is also a fellow of the Johns Hopkins University Foreign Policy Institute. His coauthor is Victor Utgoff. Utgoff is a deputy director of the Strategy, Forces and Resources Division of the Institute for Defense Analyses. In the view of this Senator, the analyses are optimistic. It is likely that they sharply understate the cost of the strategic defense initiative. This is specially true of the cost of annual operations of the antimissile system. The cost of annual operations is specially difficult to determine. It depends on the success of counter measures taken by the Soviet Union.

Obviously every success the Soviets achieve in developing technology that can spoof, or overwhelm or penetrate the star wars defense will require an additional SDI expenditure to provide an effective defense against the countermeasure. Assume a star wars confrontation with an offensive nuclear attack. Which has the advantage? The star wars defense—or the nuclear offense? Consider: The offense can select the time of attack. It can pick the volume of attack. It can determine the place of the attack. It can select from variety of offensive options the particular weapon it will use for the attack. The defense must be prepared at all times. It must be ready for any volume of attack. It must be prepared at every place of attack. It must be ready for any of a variety of weapons the offense can use in the attack.

Does this increase the cost of effective defense? Of course, it does. It increases the cost of defense immensely. Does this open series of options for the offense decrease the likelihood of successful defense? It does, indeed. So Blechman and Utgoff can and do give us an informed judgment of the cost of a variety of star wars system. They can give us no estimate of the chances

of success of any of these systems. Obviously, the chances of successfully achieving the purpose of each of the four defensive systems they describe will vary with how willing the United States is to spend whatever money it takes to meet the oncoming Soviet offensive nuclear technology. If the Soviets stand pat with their present arsenal and their present technology the Blechman-Utgoff estimate of the cost of SDI may turn out to be reasonably accurate. But if the Soviet Union is determined to remain a superpower, the cost of each of these systems will be far higher than the Blechman-Utgoff estimates. Based on its military build-up to date, the Soviets will do everything in their very considerable ability to remain a superpower. This is why the modernizing cost of the various SDI systems will be far greater, that is by a factor of 5 or 10 than these estimates.

The least expensive of the four systems analyzed is called Alpha. It is designed to make U.S. nuclear retaliatory "unattractive to attack." It consists of ground-based interceptors, early warning aircraft and long and short range interceptor aircraft. Estimated cost \$160 billion.

For another \$10 billion of a total of \$170 billion the Alpha system can become a Beta system. It can provide "limited protection" of the 47 most densely populated areas of the United States and Canada. SDI would add this extra protection with additional ground-based, long-range interceptors near high population densities.

Mr. President, it is obvious that neither "Alpha" nor "Beta" come close to meeting the objective stated repeatedly by President Reagan of a missile defense system that would provide for the protection of the American people. Even if Alpha and Beta were successful the Soviet Union would still hold our cities hostage. Mutual assured destruction or MAD would continue to be our policy. The main contribution of Alpha and Beta would be to further strengthen the survivability of this country's nuclear deterrent. And why isn't that a worthy purpose even at a cost of \$160 or \$170 billion. Answer: The U.S. nuclear deterrent is already 50 percent deployed in submarines which are invulnerable now and would gain no additional invulnerability from either Alpha or Beta. Twenty-five percent of our deterrent is deployed in bombers which would receive little or no protection from either Alpha and Beta. The remaining ground based deterrent could be far more cheaply converted to a mobile land based Midgetman mode. In that mode it would get only marginal protection from either of these two systems.

The other two SDI systems are described as Delta and Gamma. Both would be designed to provide comper-

hensive, that is total defense including population defense against Soviet long range missile and aircraft, plus an option to defend against intermediate range missiles. The Gamma system would include the Beta components of interceptors and early warning aircraft interceptor missiles deployed in low Earth orbits controlled by battle management satellites. The Delta system would include the Beta system plus chemical lasers in low Earth orbits controlled by battle management satellites.

Cost of Delta \$670 billion. Cost of Gamma \$770 billion. Mammoth as these costs are they would not cover the cost of modernization which would certainly be required by the year 2012. By 2012 we would have to deploy ground based free electron lasers that could hit fast burn Soviet missiles. By 25 years from now the Soviet Union will certainly have mastered a fast burn ICBM technology. What would it cost us to meet that technology? The former head of the Livermore Laboratory, a man who is also a former Defense Secretary, that is Harold Brown told the Appropriations Committee a few months ago the cost would be around \$100 billion each and every year indefinitely.

Would such a system fully deployed effectively defend our cities. Almost certainly it would not. It would be the most complicated technology ever assembled. It could obviously never be tested. It would have to work and work perfectly the first time. The odds that it would not work are very great, indeed.

Mr. President, I ask unanimous consent that the article to which I have referred in the August 10 Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 10, 1986]

WHERE MONEY WOULD COME FROM

(By Barry M. Blechman and Victor A. Utgoff)

The United States could afford to deploy a strategic defense system, if it chose to do so. But it would have to divert substantial resources from other military and civilian activities.

We have prepared cost estimates for four possible versions of strategic defense, shown above. The most expensive system, which we call "Gamma," would entail annual expenditures on the order of \$44 billion during its 10 most demanding years.

This is a large amount of money; more than a 15 percent real increase in the current level of defense outlays. It would represent a commitment of roughly one percent of the nation's resources for this single purpose for a sustained period of time. Such a commitment, however, would raise defense expenditures to only about 7 percent of the gross national product, a figure which has been far exceeded during wars, and matched or exceeded for all but a few of the peacetime years from 1945 to 1970. (Since 1970,

U.S. defense spending has varied between about 5 and 6 percent of GNP.)

But the pertinent question isn't whether the country could afford strategic defense theoretically. It is what economists call the "opportunity cost," or the alternative spending that the nation would have to give up to afford SDI. Dollars allocated for strategic defenses would not be available for other defense needs or for federal civilian programs. Or, if all other federal programs were protected, the cost of strategic defenses would have to be taken from private resources, by raising taxes or by deficit financing. Either way, someone would pay the price.

The best way to understand the opportunity costs of the four strategic defense systems we have outlined is by examining their budgetary requirements in the contexts of traditional levels of spending on strategic forces, the defense budget overall, the federal budget and the U.S. economy in aggregate. This analysis shows:

Strategic defenses couldn't be financed within historical levels of spending on strategic forces unless that portion of the defense budget were increased 60 to 100 percent from current levels to between \$40 billion and \$50 billion. Even then, it would be possible only if spending on strategic defenses were held to the level envisioned for the "Alpha" or "Beta" systems, roughly \$10 billion per year. Neither of the systems employing space-based components could be financed at historical levels of spending for strategic forces, under any realistic circumstances.

Strategic defenses couldn't be financed within normal levels of military spending without sharp cuts in other Pentagon programs.

The defense budget has risen, on average, close to 2 percent per year, in real terms, since World War II, factoring out Vietnam and Korea. If this long-term growth rate continues, there isn't likely to be a sufficient margin to pay for a comprehensive strategic defense system, nor even to expand the strategic portion of the budget to pay for the "Alpha" or "Beta" system, unless trade-offs are made with other defense requirements.

As examples of such trade-offs, the \$160 billion, 10-year cost of the "Alpha" system is comparable to the cost of eight carrier battle groups, or 27 wings of F15 fighters, or 14 armored divisions. Annual expenditures for the "Gamma" system would require even tougher trade-offs. Those costs are roughly comparable to what the Navy or Air Force currently invests in all weapons development and procurement. They would be twice what the Army now spends for such purposes.

Defense spending could be raised beyond its historical trend to finance strategic defenses. This could be accomplished without increasing the government's share of national resources by cutting spending on federal civilian programs.

Annual peak 10-year expenditures required for the "Alpha" system are roughly the same as current annual federal outlays for higher education, for example. The \$37 billion and \$44 billion annual peak expenditures required for the "Delta" and "Gamma" systems, respectively, compare to the \$25 billion expended in 1986 on farm-income stabilization, the \$30 billion spent for health care services, and the \$71 billion expended for Medicare. All told, funding the "Delta" system during its peak 10 years would require cutting about one-fifth of the

current \$180 billion in so-called "discretionary non-defense federal spending."

Federal revenues will increase with economic growth, of course, even in the absence of tax increases, but other proposed uses for federal expenditures, such as infrastructure renewal and improving the educational system, will impose strong competing demands.

Increasing federal revenues to pay for strategic defenses would not receive serious attention this year, but it could be considered in the future. Financing the "Gamma" system in this way, for example, would require roughly an 11 percent increase in federal revenues from individual income taxes (based on 1985 returns). For an average family earning between \$30,000 and \$50,000 a year, this would mean an increase of about \$570 a year in their tax bill. Alternatively, under the current tax code, the system could be financed by raising revenues from corporate income taxes by about 50 percent, or by roughly doubling the income from excise taxes. Of course, any increase in federal taxes would mean reduced individual consumption or savings, and potential effects on economic growth, employment, and inflation.

In addition to the economic cost of SDI would be the effects on specific industrial and scientific sectors. An undertaking on the scale of the "Gamma" system could strongly affect the availability and price of certain kinds of scientists and engineers, computer programmers, and other specialists. It also could distort markets for specific types of materials and manufactured goods. Given sufficient lead times, however, federal interventions to encourage growth in relevant occupations and affected industries probably could minimize any adverse effects.

In summary, unless far cheaper ways can be found for building these systems, the nation will face some very tough decisions in financing strategic defenses.

Mr. PROXMIRE. I yield the floor.

THE TRADE CRISIS

Mr. BINGAMAN. Mr. President, I want to, first of all, commend the senior Senator from Texas for the leadership that he has shown in trying to bring this trade issue on the national agenda, against very large odds, I would add.

I do think that it is one of the great unaddressed crises that this country faces today.

Mr. President, in 1975, the United States had a balance-of-trade surplus of \$8.9 billion. In 1985, the United States had a trade deficit of \$148.5 billion. Today, that deficit has grown even larger. For the first 6 months of this year, it has already hit \$84 billion and is expected to reach a whopping \$170 billion by the end of this year.

The consequences of this dramatic turnaround in our balance of trade and the damage it is doing and will continue to do if it is not stopped are widely accepted.

The new record deficit level paints a bleak picture. First, it shows that American manufacturers are continuing to rapidly lose ground to foreign importers. Second, it reveals the ad-

ministration's continued failure to come to grips with our trade problems. And, third, it shows that our continuing inaction in trying to solve our trade problems is leading, and will continue to lead, to a loss of economic competitiveness and a reduced standard of living for Americans.

Imports continue to reach record levels each month. Virtually no industry has been spared. Manufactured goods have not been spared; telecommunications equipment has not been spared; electrical machinery has not been spared; heavy equipment has not been spared; automobiles have not been spared; textiles have not been spared; mining has not been spared, and lately even agriculture goods have not been spared. The list goes on and on with new items added each month.

Despite the industrial erosion this deficit is causing, the Congress and the President have failed to take decisive action to reverse the trade tide. Although the House has passed major trade reform legislation and a major bipartisan omnibus measure has been introduced in the Senate, we have failed to act. Moreover, the administration has refused to support any trade modernization legislation and has done everything it can to ignore the trade crisis that is engulfing us. On issue after issue the administration opposes action. It opposes new round authority. It opposes 301 reform. It opposes 201 reform. It opposes changes in the countervailing duty and antidumping law. It opposes revision of the Generalized System of Preference. It opposes export licensing changes. And it opposes a number of other major reform items or simply ignores them.

This Senator is very concerned that our alarming trade problems are not getting the attention they demand. The damage it is doing to our economy is devastating. As America continues to import so much more than it exports, we are in danger of permanently losing both the sources of production and the skills requisite to a productive society. When that happens, we will no longer be able to compete in the world.

To pay for these massive foreign imports, we have already become the largest debtor nation in world history. At the rate we are going, we will owe more than all of Latin America combined in the next 2 years. This situation is a major threat to the security of this country, and very little is being done about it.

There is no shortage of ideas for correcting our trade problems. This Senator has several trade bills pending in various committees. Most of my colleagues have trade bills pending in various committees. Many of these bills are good, much needed bills that correct serious problems. And most of

these bills are not protectionist; they are bills that will create a level-trade playing field.

Mr. President, the time to act on trade modernization is now. We cannot wait until the trade deficit reaches \$200 billion. We cannot wait until we lose 2 million jobs to the trade deficit. We cannot wait until exports exceed imports in every single industry. And we cannot wait until it claims the future of our children. I join with the distinguished chairman of the Senate Democratic Working Group on Trade Policy, and others, in asking the administration to stop ignoring the trade crisis and to act.

Thank you, Mr. President.

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There seems to be sort of a conspiracy of silence about the issue in the administration. No proposals have come forward to deal with it; nothing is proposed here in Congress that seems to be acceptable.

I truly believe that valuable time is being lost. We need to get on with dealing with this issue. We need to seriously consider the legislation that is pending here in Congress and come up with a piece of legislation which is not protectionist but which is realistic about the trading environment this country finds itself in today.

Mr. President, I think it is essential some action be taken before we complete this session of Congress. Otherwise, a year or 2 years will be lost before the opportunity arises again for us to seriously deal with the issue.

WHERE'S THE TRADE BILL?

Mr. DIXON. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Texas and chairman of the Senate Democratic Working Group on Trade, to discuss a question that we have been asking for 2 years. Where's the trade bill?

The U.S. trade deficit is running at an annual rate of \$168 billion—well over the 1985 deficit of \$148.5 billion and nearly five times the 1980 trade imbalance. With these recordbreaking deficits has come recordbreaking unemployment, particularly in the manufacturing sector of our economy. Today, there are 1.3 million fewer manufacturing jobs than in 1979. Estimates of jobs lost or not created in recent years due to the trade imbalance go as high as 4 million.

For 2 months in a row, the breadbasket of the world has actually run a trade deficit in agricultural trade. This occurs at a time when our Nation's farmers are having difficulty finding places to store all of their surplus grain!

Yet, the administration talks about the robust economy and the number of new jobs which have been created

as a result of its economic policies. In his 1981 Labor Day message, President Reagan promised 13 million new jobs. As we approach Labor Day, 1986, it is fair to say he has fallen far short of that goal.

In fact, 2.5 million of the 9.7 million jobs which have been created in the past 5½ years are part-time jobs being held by people who would much prefer full-time employment; 1.8 million of those positions are service jobs. They are replacing 1,365,000 manufacturing and mining jobs which were lost between January 1981 and June 1986.

We cannot become a nation of hamburger stands and banks. Our industry base is the backbone of our entire economy. It cannot continue to erode.

Yet, the administration remains unalterably opposed to developing a comprehensive, responsible, responsive trade policy. Instead, an administration, which prides itself on fostering free trade, has reacted in Kamakazi fashion, usually under the threat of congressional action, to become one of the most protectionist, yet ineffective, administrations in memory. This was the case when the Fair Trade in Steel Act was being proposed a few years ago. Suddenly, we had voluntary restraint agreements negotiated just prior to the 1984 elections. Those efforts, unfortunately, have fallen short of established goals.

A few weeks ago, under the threat of a veto override on the textile bill, the administration busied itself negotiating new textile agreements with several countries—including South Africa.

The administration's actions in the cedar shake and shingle case against Canada has resulted in a threat from Canada retaliation against American books and periodicals which are already unfairly traded by Canada; semiconductors, which already have substantial problems; oatmeal and rolled oats; cedar, tea, Christmas trees, asphalt and air filters. This is quite a long list of products which cuts across every region of this country, in response to one industry which is regional in nature.

We need trade legislation this year. The truth is, there is still time. There are good proposals on the table, and there have been for several years. Many Members of Congress have repeatedly called for a comprehensive trade policy. We have worked in a bipartisan fashion with many of our colleagues to fashion legislation which makes sense. Yet, the administration apparently refuses to join in an effort to cope with one of our most critical economic problems of the day.

We need a new round of negotiations with our trading partners. The administration wants to launch them without new negotiating authority. Its current authority is outdated, going back to 1974, when the United States was preeminent in the world market.

Today, we are the world's largest debtor.

Talk is cheap, and we have seen a lot of it from the administration. Yet the truth is, there has been little action. This has brought about a continued decline in America's share of foreign markets and an increase in the foreign share of our own. It must stop soon.

We need responsible trade legislation this year. The House has passed a bill. The Senate Finance Committee has held hearings. We are ready to act. I call on the administration to join with us in the Congress to pass a bill prior to adjournment. Next year may be too late.

THE PENTAGON'S AGREEMENT WITH FIAT, S.P.A.

Mr. DIXON. Mr. President, on August 12, 1986, the Department of Defense finally entered into an agreement with the Italian corporation, Fiat S.P.A., to ensure that profits from American defense business do not end up in the coffers of Colonel Qadhafi's Libya. As many of my colleagues are by now aware, the Libyan Arab Foreign Investment Co. owns 15.19 percent of Fiat.

I was surprised, Mr. President, to learn that U.S. tax dollars could somehow end up in the pockets of someone like Mu'ammar Qadhafi. Since learning of this, my colleagues and I on the Senate Armed Services Committee have acted on provisions of this year's Defense authorization bill which provide the Pentagon with the means to deny a contract when it benefits a nation hostile to the United States. Before this action, the Pentagon apparently had to award the contract to the low bidder, in this case, Fiat.

So I am pleased that an agreement has been concluded. Mr. President. In an effort to join with the Department of Defense to make doubly sure that Libya will not benefit under the terms of the Fiat agreement, I will examine the document with careful attention. I have asked my legal staff to examine the agreement with great care. I have asked professional staff on the Senate Armed Services Committee to examine the document. We must be 100 percent certain that Libya will not profit from American defense contracts with Fiat.

Finally, Mr. President, I would simply wish to add that this entire issue has been a difficult one for me. When the matter of Libyan ownership in Fiat was brought to my attention, I felt I had to oppose a contract award to Fiatallis, a Fiat subsidiary headquartered in my home State of Illinois. I believe this recent agreement with Fiat has in all probability brought Fiatallis out from under an uncomfortable situation, and I look forward to examining this document in great detail.

RENAISSANCE SENATOR—SPARKY MATSUNAGA

Mr. DOLE. Mr. President, the August 13 edition of the Washington Post contained a wonderful profile of my good friend and colleague, SPARKY MATSUNAGA.

What the article says—and what many of us knew already—is that SPARKY MATSUNAGA is very much a renaissance man. He is a man who thinks about and acts on the issues that shape our country—today and tomorrow.

Senator MATSUNAGA's commitment to the United States is manifest not only in his service in the U.S. Senate, but also in his wartime record. Awarded the Bronze Star Medal and two Purple Hearts, SPARKY as part of the 100th Infantry Battalion more than proved their patriotism and loyalty to this country.

His successful campaign to establish a poet laureate exemplifies SPARKY's sensitivity to the role of art in American life. As a poet himself, Senator MATSUNAGA holds dear the role of recording our thoughts and feelings at any given moment in history.

And finally, Senator MATSUNAGA, perhaps more than any other Senator, is a visionary—someone who looks out for this country's long-range future. His efforts to establish the U.S. Institute of Peace and his project to set up a joint United States-Soviet mission to explore Mars, typify his concern for life on this planet for the next generation.

The article concludes with a quote from SPARKY: "Well, it's good to take care of people today, * * * but unless we do something about preventing nuclear war, all the time and effort and money we spent to make people healthy won't amount to a hill of beans. * * * This is not idealism, this is realism." SPARKY is probably both—an idealist and a realist.

Mr. President, I have had the pleasure and honor of serving with SPARKY on the Finance Committee. He is a unique and valuable member of this institution. And this article is a fine rendering of his many skills.

EXPLANATION OF VOTE ON CONTRA AID

Mr. EVANS. Mr. President, I rise to explain my vote last night on title II and III of the military construction appropriations bill. The vote on these titles was a vote for or against U.S. aid to the Contras. I am completely opposed to such aid, I believe such aid to be folly and I fully intended to vote against titles II and III. I mistakenly cast a positive vote on titles II and III. On the succeeding vote, I voted against the military construction appropriations bill as a statement of my opposition to Contra aid.

SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ZORINSKY. Mr. President, Thomas Paine once said that "tyranny, like hell, is not easily conquered, yet we have this consolation within us, that the harder the conflict, the more glorious the triumph." Nowhere is this feeling stronger than in Czechoslovakia, where people of all walks of life will pause a week from today to mark the 18th anniversary of the Soviet invasion of their homeland.

On August 21, 1968, some 200,000 Soviet, East German, Bulgarian, Polish, and Hungarian troops marched across Czech borders to crush the moderate political reform movement known as "Prague Spring." Since that time, the Czech people have bravely endured as the Soviet Union has stripped them of their human rights and erased any challenge to orthodox communism.

At a time when Czechs had decided the Communist Party should travel the path of free speech and political self-determination, the Soviet invasion came as a particularly cruel blow. Today, the Czech people are not ruled by their own free will, but by the will of a few Soviet puppets. Today, the Czech people do not read a free press; they do not participate in opposition political parties; they do not know freedom in any of its most elemental forms. Today, the people of Czechoslovakia continue to be forced to carry out the dictates of their Soviet masters.

As Czechoslovakians and all who love freedom around the world take part in next week's observance, I want to join in expressing support for the 15 million Czechs still living under Soviet domination. We must send a clear signal that we have not abandoned these brave people. It is our duty to keep alive the spirit and traditions of the Czechoslovakian nation. We must continue to champion the cause of freedom and independence for the Czech people.

S. 140—CHILDREN'S JUSTICE ACT

Mrs. HAWKINS. Mr. President, I am pleased that the House of Representatives has acted on S. 140, the Children's Justice Act. This legislation deals with the often ignored problem of how child victims of abuse and sexual assault are further traumatized and victimized by the authorities and the court system after the abuse is discovered. It is a tragedy that the child victim is often further traumatized by an administrative and court proceeding that protect the rights of the accused but ignore the rights of the victim.

Before I explain the details of the bill, I want to take a few minutes to praise the efforts of the House and Senate Members who have worked to-

gether to develop the bill that is before us today. This was truly a bipartisan, bicameral effort. All of the members of the Senate Labor and Human Resources Committee, especially Senators HATCH, GRASSLEY, DODD, and KENNEDY played an important role in the development of the original bill and its subsequent modifications. Senators CRANSTON and DENTON, although not members of the committee, have a strong interest in child protection and contributed their time and talents to the development of the bill and contributed significantly to the Children's Justice Act. In the House, Representatives WILLIAMS, EDWARDS, WAXMAN, SIKORSKI, DIOGUARDI, JEFFORDS, BARTLETT, RODINO, SENSENBRENNER, CONYERS, and MADIGAN all worked together to develop the bill that is before us today. I am grateful for their assistance and they deserve praise for their part in the enactment of this important child protection legislation.

S. 140, The Children's Justice Act provides a much needed Federal financial incentive to the States to encourage them to improve their response to child abuse victims. I am hopeful that this Federal financial incentive targeted to assist the victim after the abuse is discovered will be as successful as the Child Abuse Prevention and Treatment Act. That program also provided a small Federal financial incentive to the States for child protection. But it has resulted in almost every State in our Nation dedicating substantial financial resources to prevent child abuse and improve the reporting of child abuse.

The Children's Justice Act does not seek to impose Federal reforms upon the States. I believe that the States are the best judges of what reforms or changes are needed within their boundaries. The bill merely requires States who desire a share of these Federal funds to gather together their experts in this field to review the States response to child victims of abuse and sexual assault and make recommendations on how these children's trauma can be reduced and their rights protected.

These multidisciplinary teams of professionals are composed of child protection workers, mental health professionals, prosecutors, defense attorneys, judges, basically every category of individuals who are involved with the child victim. These professionals will work together on the common goal of protecting the child by reviewing their State's response to the child victim and develop recommendations on how these procedures can be improved. Many States have already established such task forces and have found their recommendations very useful.

The multidisciplinary approach to child abuse and especially children who have been sexually assaulted has proven very successful. One of the best examples of this multidisciplinary approach can be found in Senator DENTON's State, the Children's House run by Bud Cramer of Huntsville, AL. Bud has shared his experiences and expertise with fellow prosecutors in Florida and I am pleased to see this multidisciplinary approach being adopted in several counties in Florida.

The types of reforms could range from avoiding duplicate interviews or providing a victim witness advocate to more far-reaching reforms such as statutory hearsay exceptions or videotaping. But as I stated earlier, the State should listen to the counsel of their own experts and determine which reforms or procedures are most needed within their own boundaries.

The Federal funding for the Children's Justice Act is derived from the victims of crime trust fund whose revenues are composed of fines collected by the Federal Government, penalty assessments levied upon convicted Federal defendants, forfeited bail bonds and collateral in Federal criminal cases and certain profits made by criminals from publishing their misdeeds. I think it is highly appropriate that revenues derived from criminal activity will be used to finance States efforts to protect the rights of the victims of crime. The ceiling for the victims of crime trust fund will be raised from \$100 to \$110 million.

However, the U.S. attorneys' offices have not been as diligent as I would prefer in the imposition of criminal penalties and fines. Therefore, the \$100 million threshold is not expected to be reached in the next fiscal year. In years in which the revenues do not meet the threshold, the Children's Justice Act funding will come from a portion of the 5-percent Federal set-aside that was originally designated for use by the Department of Justice under the victims of crime trust fund. These funds were not utilized by the Department of Justice in fiscal year 1986. This new funding mechanism for the Children's Justice Act, has been dubbed the "Denton funding mechanism" and he richly deserves our thanks for the hours that he and his staff, especially Rick Holcolm, put into ensuring that the Children's Justice Act became a reality.

Mr. President, I want to point out that although our new funding mechanism now utilizes the victims of crime trust fund revenues, it was not our intention to divert funds from either the Victim's Compensation or Victims' Assistance Programs. Indeed, I am pleased that the provisions in the Children's Justice Act will actually strengthen the Victims of Crime Act [VOCA]. First, it rejects the administration's request to lower the current

ceiling from \$100 to \$35 million, instead increasing the ceiling to \$110 million. Next it will make the Federal program mandatory, taking away the possibility that the Attorney General may decide not to expend the funds set-aside for Federal crime victim assistance programs, which is exactly what happened last year. The bill would also put administration of the program under the Assistant Attorney General for Justice Program. I have worked closely with Lois Haight Herrington, and I believe that under her leadership crime victims have found strong and constant advocates for their cause. The bill also tightens the authority to operate a Federal Victim Assistance Program so that it is clearly focused on victims of crime.

This new funding mechanism does not adversely affect the funds available to Victim's Compensation or Victim's Assistance Programs. It merely redirects how 4.5 percent of the 5 percent set-aside for Federal VOCA programs are spent. The Department of Justice did not utilize this set-aside last year. This year, because our legislation mandates that they must spend it, the Department has indicated that they planned to spend the Federal share on training and technical assistance. I do not question the Department's desire to provide better training to law enforcement officers to assist victims but I want to point out that a provision in the Child Abuse Prevention and Treatment Act Amendments of 1984 provides a \$2 million set-aside specifically for this purpose. The availability of these funds was delayed until this fiscal year because of the delay in providing appropriations for the program, but the money was released earlier this year after Congress refused to sequester the funds. Therefore, I believe that adequate funds exist to enable the Department of Justice to provide training and technical assistance.

The House Members made a point of including us in the negotiations and informed us of the status of the modifications they were considering to this bill. This version was drafted with the advice and consultation of organizations such as the National Network for Victims of Sexual Assault and the Child Abuse Task Force, the recommendations of the Attorney General's Task Force on Victims of Crime and the testimony presented by the American Bar Association's child sexual abuse law reform project, and the National Association of Attorneys General.

I want to stress that no funds for the Children's Justice Act will be diverted from either the Victim's Assistance or the Victim's Compensation Programs.

I consider passage of the Children's Justice Act as a victory for children and I want to thank the Senators who

have supported this legislation. Senator HATCH, Senator DENTON, Senators DODD and CRANSTON, all have played an important role in developing the legislation that is before us today.

LAND MANAGEMENT

Mr. McCLURE. Mr. President, today I would like to briefly discuss an important land management issue. Idaho is a natural resource based State. Our economy, the quality of our life, and our financial independence is dependent upon our ability to manage the lands within our borders for continued, long-term production of commodity materials.

The flow of logs from our forests, ore from our open pit and underground mines, and agricultural crops from both dry and irrigated farmlands will continue to be the backbone of Idaho's economy well into the future. Most of our citizens depend, either directly or indirectly, on the land for both their work and their recreation and relaxation.

Each year, forest fires ravage thousands of acres of forest and rangelands across the Nation. Idaho contributes its fair share, and sometimes more, to the statistics. The combined cost of firefighting, resource losses such as timber and grazing, rehabilitation of damaged areas, and administration amounts to hundreds of millions of dollars annually.

In at least one of those areas, we have the opportunity not only to save money, but to actually return revenues to both Federal and State treasuries. That opportunity lies in being able to sell and harvest fire—or insect—damaged timber. Activities to control soil erosion on burned areas, reseeding grass or wildlife browse, and the replanting of young trees to reforest the site are often included in a sale package.

However, it seems that good land stewardship is not enough any more. In Idaho and in most other "public land" States, stewardship and sound land management ethics and activities have ground to a halt. A new breed of idealists who, in many cases, have little or no knowledge about the resources they want to control have, to their credit, been able to sway the necessary political powers to support their efforts to halt commodity uses of public lands.

The sale of national forest timber is an extremely important issue in Idaho. Contrary to popular mythology, those programs are not for the sole support of loggers and sawmill workers. The jobs of wildlife and fisheries biologists, hydrologists, engineers and a score of other "ologists" who work in both the government and private sectors are directly dependent on timber sale and road programs.

Loggers, truck drivers, sawmill workers and office support staffs depend on the programs. Fuel dealers, equipment operators, and more than a few bar owners owe their continuing prosperity, or the lack thereof, to forest commodity programs.

By law, 25 percent of the gross receipts of national forest timber sales is returned to the counties from which the timber was cut. By law, 70 percent of those dollars are allocated for the support of county road programs and 30 percent for the support of school programs. The \$8 to \$10 million that Idaho receives annually is extremely important in our State where populations are sometime sparsely distributed over counties whose size would swallow numerous Eastern States!

But the list goes on. Because 65 percent of the land in Idaho is owned by the Federal Government, it is exempt from taxation. I suspect that if we attempted to share our condition with our colleagues from more fortunate States by passing a law to give the Federal Government an equal amount of all the States, many of those who now show so little concern for our economic dependency would wail with grief at the very prospect.

Ironically, many individuals and a substantial number of the environmental groups owe their existence and prosperity to the very programs they continually seek to kill. Without the real or imagined issues they manage to make out of virtually every road and timber sale proposed, they would be nonexistent in a relatively short period of time. They feed, grow, and can prosper only on controversy and polarization.

Let me give you a recent example. Last year was a relatively bad fire year for Idaho both in numbers and the size of fires. This year looks like it is going to be worse. Almost exactly 1 year ago, some 14,500 acres of old growth pine and fir located on steep mountainsides along the famous river of no return, the Salmon, were blackened by a devastating fire. That is an area of over 20 square miles!

Much of the timber within the area was burned hard enough that it would not survive. There were two choices; it could be offered for sale on a "salvage" basis, cut into lumber and sold, or it could be allowed to remain in place where it would eventually fall down into an impenetrable jumble of barkless, shining, forest skeletons.

Because of biological factors and because the burned trees would be valueless within a year, the Forest Service decided to work quickly to prepare the timber for sale. The preparation included doing an environmental assessment, or EA, as required by the National Environmental Policy Act.

The professional staff of the Payette National Forest did their work well. They met with environmental groups,

most of them responsible and reasonable people, and attempted to work out a solution that would both allow the timber to be salvaged and would provide the necessary protection for the classified roadless area in which the fire had occurred.

After weeks of preparation and revision, with a single exception, the environmental groups agreed to allow the Forest Service to proceed with the proposed salvage sale unchallenged. Legislative direction by the Congress, supported by the court system, has left us with little or no professional control over land management decisions. All it takes to waste precious resources such as the burned timber in the French Creek drainage and the tax dollars spent to hire professional managers who try to do their job, is a well-directed 22-cent stamp.

The Idaho Natural Resources Defense Council first angrily charged that the use of a tractor to build a fire line in an attempt to halt the raging fire had destroyed the integrity of the roadless area. Their fear was that the line would keep the area from eventually being added to Idaho's 4 million acres of classified wilderness. In fact, the Payette Forest had never, in all its years of planning, ever recommended the area for classification. This was simply another opportunity to mold an issue out of a natural catastrophe and to create the polarization that kept the cash-flow to the council's treasury healthy.

They then charged that the sale would violate the integrity of the inventoried roadless area. In fact, they were unnecessary. Helicopters, although much more expensive than conventional logging systems, were used to "yard" the trees to "landings" after they were cut so that they could be loaded onto trucks along existing roads.

The next charge was that logging would cause erosion which in turn would destroy the fish habitat in the creek. In fact, a year after the fire, the only change there, according to professional fisheries biologists, has been a slight rise in the water temperature resulting from the removal, by the fire, of tree cover along the edges of the stream.

This "environmentally concerned" group, cost the taxpayers hundreds of thousands of dollars simply because they do not believe that the national forests should produce any commodities as long as there remain virtually any unanswered questions. With the help of the Congress and the courts, they have managed to place the burden of proof in answering these impossible questions squarely on the shoulders of the best experts available. By doing so, they manage time and time again to thwart the responsible resource management they profess to champion.

Because the Payette Forest supervisor and his staff had the stamina and desire to stand up in this case, the courts eventually allowed the sale of the burned timber to take place.

Because of environmental constraints and challenges at every turn by groups like the INRDC, it would normally take from 5 to 10 years to plan, prepare, sell, and finally harvest a sale of this size. On French Creek, it took only 9 months from planning to final cleanup after harvest of the 27.5 million board feet of pine and fir.

This single sale provided enough lumber and plywood to build over 2,500 average sized, single-family homes. Proceeds from the sale amounted to \$358,000. About \$90,000 of that will ultimately be returned to Idaho County for use in supporting local school programs and to build and maintain county roads. The balance will go to the Federal Treasury.

At the peak of the harvesting operation, an average of 80 logging trucks per day made the 80 to 200 mile round trip to deliver the charred, black logs to the sawmills where they would be converted into lumber. Hundreds of people, some of whom had recently been faced with layoffs, could look forward to full paychecks. The local, State, and Federal taxes generated directly and indirectly by that single sale amounted to tens or perhaps hundreds of thousands of dollars.

French Creek is recovering a year after it was ravaged by mother nature despite the attempts by a small group of individuals who placed their own value judgments and concerns above all others and used our system, at little cost to themselves, in an attempt to strangle one of the gifts that God saw fit to put in Idaho. Traffic on the roads is quiet now. Only motorcycles, pickup trucks, and an occasional motor home now traverse the once busy, dusty logging road. Most of the current use is in pursuit of recreational opportunity provided by the road access. How ironic that these roads, the very target of the environmentalists in the tug-of-war over national forest management, should provide the access used by almost 95 percent of the users of these public lands.

Without the timber sale programs, there would be no revenues for the Federal Treasury. There would be far fewer jobs in many of Idaho's small communities. Above all, there would be far less access for the majority of the general public without a solid timber sale program and the revenues it generates.

Mr. President, I ask unanimous consent that the accompanying article about the French Creek fire taken from the Boise Idaho Statesman of August 5, 1986, be entered in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boise (ID) Statesman, Aug. 5, 1986]

SCARS HEAL FROM FIRE IN FOREST

(By Sean Jamieson)

The grass in the meadow is waist-high, where one year ago a forest fire ravaged 14,500 acres in the mountains of west-central Idaho.

On a tour Monday through the site of last year's French Creek fire in the Payette National Forest, signs that the forest was renewing itself—with a little help—were everywhere.

There was little indication of the devastation wrought by the fire, which burned from July 17 until early August. Ground that had been scorched black was covered with healthy grass and flowers.

Most of the scorched timber was harvested last winter in a salvage operation criticized by environmental groups. Forest Service officials on Monday repeated what they said at the time: Those concerns were groundless.

"I'd like to challenge anyone to find something seriously wrong with this salvage operation," David Bull, a timber management assistant in the McCall Range District, said.

Normally, the Forest Service takes about seven years to prepare a timber sale. The purchaser then usually takes three years or more to harvest the timber. The French Creek fire sale was prepared in three months and the timber harvested in six months.

Boise Cascade Corp. paid about \$358,000 for 27.5 million board feet of timber, a relatively low price. The Forest Service is required to sell timber for at least the cost of reseeded the area harvested.

The Forest Service realized several benefits from the sale, Bull said. It put money back into the Treasury, and "it helped insect-proof the area," he said.

Logging lasted from Nov. 22 to mid-June. Most of the timber was hauled out during the winter, according to Dave Olson, public relations specialist with the Payette National Forest. In February, when the hauling operation was in full swing, an average of 80 logging trucks a day were delivering wood to Boise Cascade mills in Cascade, Horseshoe Bend and Emmett, Bull said.

French Creek Road, a one-lane dirt Forest Service road, was deserted Monday, except for a couple on motorcycles.

Every half-mile along the road, a small square piece of plywood with a number spray painted on it was nailed to a tree. Truck drivers used CB radios to call in their locations so that trucks could pass each other at wide areas. In February, talk on the CB radio sounded like orders from air traffic controllers, Olson said.

Rebuilding and maintaining the burnt forest is an ongoing job. This spring, the Forest Service seeded about 250 acres of the 3,180 acres that were burned. Another 500 acres will be seeded during the next two years. This fall, the piles of small brush left by the loggers will be burned.

Environmental groups objected to Forest Service actions and plans in the French Creek Roadless Area, Bull said. The Idaho Natural Resources Legal Foundation tried unsuccessfully in November to block the timber sale in federal court.

A roadless area is designated by the Forest Service as being potentially suitable for wilderness.

Idaho environmentalists were angry that the Forest Service dug a fire line with a tractor through the French Creek Roadless Area, because they feared that would prevent the land from being declared a wilderness area.

"It was the most cost-effective and expedient thing to do," Bull said. The fire jumped several hand-dug fire lines in very steep land in French Creek canyon, and officials feared they would lose control of the blaze once it left the canyon.

"For some time in the future you'll still see evidence of a tractor line . . . but it's not a road," Olson said. The tractor line was seeded in the spring, and grass is growing quickly in the area.

About 90 percent of the salvage operation was conducted in the Fall Creek drainage, Bull said. A sportsmen's group said that the combination of the fire and logging would ruin the fish habitat in the creek. But John Lund, the zone fisheries biologist for the Payette forest, said the only effect he had observed was a 5- to 10-degree temperature rise in the water, brought on because trees that used to shade the stream were burned in the fire. "I guess the creek today is pretty much the same as it was in '82," he said.

The Forest Service was careful to prevent erosion, Bull said. Looking at an area that had been logged, Bull said, "You come here and you can't see one example of a disturbance," or washout.

Huge blazes such as the French Creek fire may become increasingly rare as the Forest Service perfects new fire-management techniques, Bull said. The Forest Service is finding that fire plays an important role in the ecosystem of the forest. Current plans call for letting small fires run their course.

As he neared McCall, Bull pointed up at a wisp of smoke coming from a ridge far in the distance. The small fire in a wilderness area would be allowed to burn itself out, he said.

FALSE CLAIMS LEGISLATION

Mr. THURMOND. Mr. President, I support the False Claims Act which was introduced by the distinguished Senator from Iowa, Senator GRASSLEY. The pervasive growth of fraud has necessitated legislation which increases penalties for fraud, provides more effective tools to law enforcers, and encourages individuals who know about fraud against the Government to come forward.

I believe that S. 1652, as recently amended, will accomplish the aforementioned goals. I commend Senator GRASSLEY for his efforts in drafting legislation with strong bipartisan support. This bill does not raise the same concerns that other false claims legislation currently does. Specifically, this legislation does not raise the concerns I have about the right to a jury trial for those companies which have been charged with defrauding the Government.

I encourage my colleagues to support this legislation and strike a serious blow against fraud, which probably costs this Government billions of dollars each year. This legislation sends an unmistakable message to those who would steal from our na-

tional coffers, and I urge my colleagues to join in that message.

AMERICAN FARMER MEMORIAL

Mr. DOLE. Mr. President, much has been written and said about American farmers and their enormous contributions in providing an abundant supply of wholesome food to our Nation and improving the quality of life for all of our citizens.

As we attempt to complete a heavy legislative schedule before the August recess begins, I would like to bring to the attention of my colleagues a special dedication scheduled for this coming Labor Day weekend at the National Agricultural Hall of Fame in Bonner Springs, KA. The dedication will mark a unique event in the world of art, music, and agriculture: The unveiling of the national farmers memorial and sculpture commemorating the past, present, and future efforts of America's farmers.

The Board of Governors of the Agricultural Hall of Fame will join with the American Ideals Foundation, of Brooksville, FL, a nonprofit organization whose goals are to provide music and art in public places, to dedicate the American farmer memorial sculpture and orchestral suite on the grounds of the Agricultural Hall of Fame.

SCULPTURE DEDICATION

The half-million dollar memorial has been endorsed by farm corporations, farm associations, agricultural businesses, and every State secretary or commissioner of agriculture and every State Governor. Fifty States will declare September 1, 1986, as the first day of American Farm Week.

The sculpture is the work of a nationally recognized artist, Lewis Watkins. The sculpture measures 33 feet long by 10 feet high. The memorial will have a marble background, measuring 14 by 22 feet with scenes etched in the marble, and completed with three-dimensional historical figures in bronze showing a pioneer farm family, modern-day farmers engaged in conservation, and a farmer of the future.

FIRST IN MANY WAYS

Mr. President, I would underscore that this memorial dedication marks a first in several respects: The first national memorial ever to recognize the American farmer; the first national memorial placed outside of Washington, DC; the first national memorial produced by the private sector without tax dollars; the first national memorial produced in conjunction with an original orchestral suite, the first national memorial to depict the American family, the first memorial sculpture taken on a tour through the United States, having visited the State capitols of Florida, Georgia, Tennessee, Illinois, Missouri, and Kansas.

The dedication ceremonies will be complimented with an orchestral suite by noted composer, Robert A. Moffa. The orchestral suite will be performed by a major symphonic orchestra and will be the first piece of orchestral music ever written to commemorate the American farmer and ever to recognize the American farmer in four movements: intrada, past, present, and future; and the first such movement to be composed and played in conjunction with a memorial sculpture work. The dedication will be the first and largest combined effort of music and art commemorating a major event during this century, funded totally by the private sector.

A SHRINE TO AMERICA'S FARMERS

Mr. President, the Agriculture Hall of Fame has long been considered a shrine to American farmers. The hall of fame has thousands of farming artifacts and rural memorabilia. It contains the first farm truck—the 1903 Dart; a 1781 Indian plow; an exact replica of the McCormick reaper; a horse-drawn plow used by former President Harry Truman as a youth; many steel-wheeled tractors; and a one-room schoolhouse.

Some of agricultural's most well-known individuals have been inducted into the hall, including George Washington, Thomas Jefferson, George Washington Carver, Eli Whitney, and Squanto, the Indian who taught the pilgrims how to grow corn. Hugh Bennett, considered the father of the soil-conservation movement; plant scientist Luther Burbank, and hybrid corn promoter Roswell Garst were inducted last year, bringing the number of honorees to 22.

HISTORY OF THE AG HALL OF FAME

The idea of a hall of fame was developed by Howard Cowden, a Kansas City businessman, but it was four Kansans that helped locate the facility in Wyandotte County and made it work. Newell George, a Kansas City, KA lawyer, was in the U.S. House of Representatives, and helped get necessary legislation passed. Senator Harry Darby, of Kansas City, KA, and Senator Frank Carlson both helped get legislation through the Senate. President Dwight Eisenhower signed the bill, Public Law 86-680, on August 31, 1960, giving the United States the first and only Agricultural Hall of Fame in the entire world. Former Presidents Harry S. Truman and Herbert Hoover joined seven living former Secretaries of Agriculture in endorsing the project.

Later, it was Senator Darby who, almost single handedly, got area banks to pledge interest-free loans so that construction could begin, before the national fund-raising drive could be completed. This effort involved the Kansas City, KA, chamber of commerce in land acquisition, developing a master plan, and kicking-off the fund-raising drive which raised more than

\$500,000 from the area which resulted in the facility's present location. Following this initiative, Raymond Firestone headed a national fund-raising drive which raised over \$1 million in \$5 and \$10 donations from thousands of farmers and agribusiness interests. Finally, the complex was dedicated and opened to the public by Vice President Hubert Humphrey in May 1965.

CONCLUSION

Mr. President, I would emphasize that the dedication at the Agriculture Hall of Fame this coming Labor Day weekend has been a massive undertaking. This initiative has not been funded by tax dollars or by large financial donations of major corporations. Instead, there have been numerous individuals donating their time, ideas and in-kind contributions to realize what was once a dream of the two founding artists: To dedicate a memorial that says something positive about the American farmer. The memorial and dedication ceremonies surrounding this Labor Day event promise to stand as a lasting tribute to our proud rural heritage for generations to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

The PRESIDING OFFICER. Under the previous order, the hour of 9:15 a.m., having arrived, the Senate will now resume consideration of S. 2701, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

The Senate resumed consideration of the bill.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 0920

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield myself as much time as I may require for an opening statement.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator is recognized. Mr. LUGAR. Since the Senate deliberated last year on South Africa, there has been a tragic increase of violence in that troubled country. The Government of South Africa has responded to

the growing internal turmoil with harsh security measures accompanied by some selected reforms of government policies aimed primarily at urban blacks. During this period, and particularly since the imposition of the so-called state of emergency, racial polarization has deepened. The prospects for continued and increasingly strident forms of violence have grown.

Last year, both the House and the Senate passed legislation imposing sanctions upon South Africa. Last September, prior to Senate passage of the Anti-Apartheid Act conference report, President Reagan issued 12 Executive orders with respect to South Africa imposing certain sanctions which incorporated much of the legislation contained in that conference report. The Executive orders issued by the President did not go quite as far as the actions recommended in the conference report. Some Members believed that the stronger actions contained in the legislation would have constituted a stronger and clearer signal to the authorities in South Africa. Other Members, and I am one of them, believed that the President's willingness to join with the Congress in exerting pressure on South Africa deserved a supportive rather than a critical acceptance by the Congress. We argued that a premium should be placed on the American Government speaking with "one voice."

The President's Executive orders imposed certain prohibitions on U.S. bank loans to South Africa, on the sale of computers to South African governmental agencies, and on any nuclear trade with South Africa. Moreover, these Executive orders barred the importation to the United States of weapons and Krugerrands from South Africa and required most United States firms in South Africa to adhere to certain fair labor standards or face export sanctions here in the United States. Those orders also required increased funding for scholarship programs involving blacks in South Africa and additional resources for the human rights grant program initiated by Senator KASSEBAUM.

A number of bills have been submitted in the Senate which propose increased sanctions on South Africa as a means of demonstrating American intent to promote positive economic, political, and social change in South Africa. In our debates, the Senate must consider some of the fundamental realities bearing on the issue of sanctions. The first reality is that the United States does not possess unlimited influence and leverage over events in South Africa. This is not to argue that the United States has no influence, but rather that our influence and leverage are limited and must be applied with wisdom and in the service of well-defined goals and objectives.

In this country today, some citizens speak of sanctions without clearly identifying the objectives which are to be furthered by their imposition; some speak of exerting leverage and influence over developments in South Africa while simultaneously debating the wisdom of disinvestment, a form of disengagement rather than involvement in the affairs of South Africa. If one of our challenges is to devise better and more effective ways to talking to and influencing the millions of South Africans who would be citizens of the future South Africa, then we must establish and maintain multiple opportunities for communication and involvement with all parties. We must be creative in sponsoring talks and insist that all potential conferees must be free and able to talk.

Americans have been a force for positive change in our relations with South Africa. It was an American group, led by the Reverend Leon Sullivan, that established the first code of corporate conduct in South Africa. It was an American corporation, Kellogg, that was the first company in South Africa to recognize a black trade union. It was an American organization that was the first educational charity to operate in South Africa with a nonracial board of directors. Throughout our history of relations with South Africa, it has been the United States that has sought to act at the cutting edge of social, economic, and educational reform in South Africa. These actions have not been sufficient by themselves to bring about the changes necessary for the well-being of the South African people, but they have been sufficiently instructive so as to cause us to question whether the withdrawal of American influence from this situation helps or hinders the promotion of a democratic and just society in that country.

The debate over an appropriate U.S. policy toward South Africa must be broader than the issue of economic sanctions. Economic sanctions are a tool, a means of policy, not ends in and of themselves. Economic sanctions, to be effective, must be carefully targeted, but equally important, they must address how fundamental governmental and societal reform might be assisted without so destabilizing the country as to lead to a worse alternative.

Whatever steps might be adopted with respect to South Africa, they will have to be taken with both a sense of tragedy and reality. There is no unemployment compensation system in South Africa for black workers, and no welfare system for their families. One looks in vain for concrete signs that the welfare and interests of black South Africans would be served by the departure of American corporations and the sale of American-owned firms to white South Africans.

By the same token, in assessing the potential impact of economic sanctions on South Africa, we must not overlook the effects that such sanctions will have on the neighboring states which remain heavily dependent upon South Africa for transportation, utilities, and overall trade. These countries would no doubt suffer increased hardships and strains upon their economies as the impact of sanctions takes effect.

Despite these potential hardships, seven of the nine neighboring states have declared themselves in favor of international sanctions against South Africa. Moreover, actions taken by the United States and other Western countries have not led to an appreciable increase in the number of South Africans able to enjoy basic human rights. Repression and violence are increasing. Large segments of South Africa's black community have come to believe that international sanctions may be the only way to force change.

Our moral outrage at the system of apartheid in South Africa must be accompanied by the moral determination to urge the South African regime to reduce the violence and repression and to accelerate the process of political, economic, and social reform. Our actions cannot be divorced from the economic, political, and strategic interests of the United States and its allies. An appropriate United States policy toward South Africa must contain multiple elements, carrots and sticks, not simply punitive measures. Political polarization and economic decline would likely hurt the prospects for a peaceful solution in South Africa.

The Committee on Foreign Relations has reported out a bill to provide for targeted sanctions against the Government of South Africa and against specified groups in South Africa which are closely associated with the National Party Government of that country and the system of apartheid. We have sought, to the maximum extent possible, to target sanctions in such a way as to avoid unintentional or avoidable harm to those in South Africa who do not vote for the Government of that country and especially to avoid harm to those who cannot vote at all. There are several measures that have already been introduced in this body which seek to impose sweeping restrictions that would impact most severely on those who have been victimized by the Government of the Republic of South Africa. It would be a tactical and moral mistake, I believe, to impose sanctions, ostensibly designed to pressure the South African Government, on those who bear no responsibility for and have no influence with that Government.

The bill provides for an embargo on the import of products produced by the South African Government's state corporations. These corporations are

under the control of the Government and staffed by supporters of that Government in managerial, supervisory, and administrative positions. This provision will prohibit \$100 million worth of imports into the United States from the state-owned ISCOR steel company, as well as some coal, uranium, aluminum, cement, and ferroalloys. Imports for America's essential needs can be met by imports from nongovernment producers, many of whom are financial and political supporters of the effort to overcome apartheid and establish a nonracial democracy.

This provision, if fully effective, will have a strong financial impact on employment and profits in these government-run corporations. Moreover, given the world glut of these products, I think this measure will be effective. This will send a clear, targeted message to the South African Government.

□ 0930

Similarly, the bill ends landing rights for the state-owned airline, South African Airways, immediately upon the expiration of the notice period required by international law under which these flights take place. The airline, like all other state-owned corporations, is staffed primarily by government supporters.

Consistent with the goal of applying sanctions to those who bear the moral and political responsibility for the present situation in South Africa and for the lack of democracy, the bill provides that South African Government agency or parastatal corporations may not hold bank accounts in this country except for diplomatic purposes. Again, this is a targeted sanction against those responsible for apartheid, not against all South Africans.

This is an excellent example of the difference between the carefully targeted bill we have introduced today and the sweeping, indiscriminate, and untargeted actions that have been discussed in other measures.

It is important, I believe, to keep the focus of this bill on the issue of apartheid. There are those who will be mightily tempted to offer amendments that ban products from South Africa that compete with the products of their states. Several industries have been mentioned as possible beneficiaries of a cut off of South African products. I would urge my colleagues to restrain from these amendments because we should send a clear message to the South African Government about apartheid. To distort that message with protectionist amendments will send an unclear signal.

As we proceed with this debate in the Senate, it might be useful for all Senators to start with a realization that was best expressed in a recent issue of *The Economists*:

Sanctions have a dismal record. They are a legitimate way of expressing distaste or despair, but they rarely change the things that cause those feelings. They can all too often be evaded. They sometimes stiffen the backs of the sanctioned and spawn dissent among the sanctioners. Once applied, they are embarrassing to remove if they turn out not to have worked.

And I might add, politically difficult to remove if they do work.

Yet they remain one of the few extensions of diplomacy available to governments short of war.

In fashioning the committee bill with respect to economic measures, one has sought to avoid what is impractical, what is counterproductive, or what is aimed only at self-gratification.

Indeed, the bill reported out of the Foreign Relations Committee attempts to reflect a balance between the economic measures to be applied toward South Africa and the conditions or terms to be met by the South African Government if those measures are to be modified or even terminated. All Members should be aware that efforts to jack up the number and severity of sanctions will likely be met by additional amendments to adjust the conditions or terms for modification up or down. Indeed, if the balance sought in the committee bill is destroyed, then our legislation dealing with South Africa could well become a Christmas tree for amendments having absolutely nothing to do with promoting democratic reform in South Africa.

As we debate South Africa legislation and contend with numerous amendments, I would ask my colleagues to consider a series of questions:

(1) does it matter which way the black majority and the disenfranchised seek to achieve a share of power in South Africa?

The answer is obviously yes. The United States would like to see a relatively bloodless transition to a pluralistic democratic society that will remain democratic and will preserve human rights and a free market economy. It would like to move South Africa toward and keep her within the community of Western ideas.

(2) Does the Senate, does the Congress have a clear conception of what it is seeking to encourage and promote through new economic measures? Or are we simply advocating an instant conversion to virtue?

The bill reported out of the Foreign Relations Committee is specific. The economic measures proposed are tied to conditions or terms which, if met, allow for the modification or termination of the economic measures. The objective of such measures and conditions must be to get all parties around a table, to try to negotiate a new constitution that will enfranchise the blacks. The objectives in the commit-

tee bill are clear, and, if sanctions are ever to work, they need clear objectives.

(3) Whose minds does the Congress seek to change through stiffened economic measures and sanctions?

Some Members might point to the administration. This would be the wrong target. By the same token, those on the far right of the political spectrum in South Africa, with 20 percent of the white vote, will likely feel little from sanctions beyond indignation. Supporters of the Progressive Federal Party, with another 20 percent of the vote, need no persuading. The target must be the main body of the ruling National Party and the organs of government charged with implementing the policies of that party. That is the reason that the economic measures reported out by the Foreign Relations Committee are targeted on the public sector, the parastatals, and not on the private sector.

(4) And last, can a credible package of new economic measures be agreed upon, credible to the sanctioned as well as the sanctioners?

No economic measures can be expected to work unless they are supported by almost all of the countries which supply goods and services placed under sanction. A total trade embargo with respect to South Africa would be impossible, unenforceable, and, in any case, most inappropriate and incredible. Whatever public statements one can wish to cite, a crippling of the South African economy would cripple the blacks and the neighboring black countries as well. But most importantly, while a crippling of the South African economy might provoke change, it would certainly not be the sort of change that would be in the interest of the United States.

I would hope, Mr. President, that all partisan feelings will be put aside on this important issue. Our goal should be to send a message of national unity—Democrat and Republican, Congress, the President and the people of this country—to the people of South Africa about our hopes for their country. We are eager, Mr. President, to reach out to the people of South Africa and to welcome them to the community of real democracies. South Africa's potential for democracy can only be realized if it commences immediately the process of negotiation and compromise that can lead to a national agreement on a new constitutional order allowing full participation by all citizens.

Mr. President, the question is whether the United States is going to be a vigorous and active participant in the movement to promote a truly dynamic, democratic system in South Africa, or will seek to withdraw itself from the inevitable process of change in that country. In the face of a seemingly intractable problem, the Ameri-

can people have always rolled up their sleeves, not washed their hands of it. The situation in South Africa is too serious for acts of desperation or resignation on our part.

Any American effort to serve as a trusted and reliable friend of both black and white South Africans, encouraging their progress and reforms because they benefit us as well, will always risk the anger of elements in both the United States and South Africa whose interests would be furthered by worsening conditions. We want to prevent a bloody civil war and the destruction of a nation. In my judgment, the United States must work to encourage the writing of a peace treaty in South Africa now by all South Africans before, and not after, such a war.

Mr. President, I yield the floor.

□ 0940

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I thank the Chair.

Mr. President, the turmoil presently gripping South Africa is rooted, as the chairman of the Foreign Relations Committee has just pointed out, in the evil and inhumane system of apartheid. For the last 5½ years the administration has tried to encourage the South African Government to move away from apartheid through its policy of constructive engagement. This policy, which increased cooperation with the South African Government while reducing public, if not private, criticism and pressure, is generally regarded as a failure. It has created the impression among white South Africans that we are sympathetic to their cause while leading black South Africans to conclude that we do not support their struggle against apartheid. It has tarnished our image as a humanitarian nation in the international community and undermined our long-term interests in southern Africa.

In its recent reports, the British Commonwealth's Eminent Persons Group forecast a "racial conflagration with frightening implications . . . in the very foreseeable future" unless the international community brings effective pressure to bear on the South African Government. As a nation theoretically committed to peace and justice, the United States has a moral and political obligation to help all of the people of South Africa to avoid such a bloody end. We can no longer rely on talk and quiet diplomacy. We must take action that will put meaningful pressure on the South African Government and also make it clear to South African blacks that we are on their side. I believe that the bill before us, S. 2701, as amended, is a step in the right direction. Its very creation is a compliment and credit to the

chairman of our committee, the Senator from Indiana [Mr. LUGAR].

This bill was approved by the Foreign Relations Committee by a 15-to-2 vote. If enacted, it would codify the sanctions in the President's September 1985 Executive order, that is, a ban on loans to the public sector, on computer exports to apartheid-enforcing agencies, on nuclear exports, and on the importation of Krugerrands and military goods. It would also impose additional sanctions including a ban on loans to the private sector, on new investment, on the importation of uranium and coal from South Africa and on the importation of goods produced by South Africa Government-controlled companies.

However, given the severity of the situation in South Africa, I wish a stronger bill could have emerged from the committee. As the Eminent Persons Group concluded, the question is not whether sanctions will compel change; "it is already the case that their absence and Pretoria's belief that they need not be feared, defers change." I intend to support efforts that may be made to strengthen the bill on the floor. However, if those efforts fail, I intend to strongly and enthusiastically support the bill as reported by the committee because I firmly believe that the time to act is now, lest the opportunities for peaceful change slip away and the clock run out.

So I urge my colleagues to support this bill, which I believe is a good bill and worthy of passage.

I yield the floor.

Mr. PROXMIRE. Mr. President, I rise to speak in support of S. 2701, the bill reported out of the Foreign Relations Committee, which is designed to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies. I commend Chairman LUGAR and ranking minority member Senator PELL for crafting a bill that has such broad bipartisan support. I think the bill makes a good start in demonstrating American opposition to apartheid through assistance to black South Africans and the imposition of sanctions against the Government of South Africa. I hope, during our floor debate, we can add certain other provisions to make even clearer that America opposes apartheid and is willing to make economic sacrifices to make that point absolutely clear to the world community and, in particular to South Africans, both white and black. I myself will offer two amendments. One will establish procedures for determining when the sanctions we are adopting can be terminated. The other will strengthen the private cause of action the Foreign Relations bill gives to American companies who may be injured by the actions of companies

from other countries who provide items to South Africa that we are prohibiting our own companies from providing. I will give a more detailed explanation of these amendments when I offer them.

I want to make absolutely clear that I support sanctions legislation against South Africa not to punish the people of that country—but rather to send encouragement to all those people of good will in South Africa, both white and black who are striving to bring about an end to the evil apartheid system.

Exactly what is apartheid and why should it concern our country? Apartheid is the system in South Africa designed by the white community in 1948 to ensure their absolute rule over the black majority. The 4½ million whites maintain their rule over 21 million blacks by denying blacks the right to vote, denying them educational opportunities, denying them economic and social opportunities, and by requiring them to live in separate, segregated areas. In effect, the whites have adopted a system of dehumanizing the black population in order to maintain their own privileged rule. The minority whites enforce their system through reliance on a harsh and repressive police rule backed up by the strongest military force on the African continent. That force very possibly has a nuclear capability.

Why is it any business of the United States to try to change this abhorrent system in South Africa? First, our history, values and institutions place Americans in basic sympathy with people seeking political freedom and civil liberties. We have always believed that freedom is the birthright of all peoples and that we could not be true to ourselves or our principles unless we stand for freedom and democracy, not only for ourselves—but for others as well. And so time and again in the last 200 years we have lent our support—moral and otherwise to those around the world struggling for freedom and independence.

Second, it is in America's national interest to promote a peaceful end to apartheid in South Africa. In his July 22 speech on South Africa President Reagan noted the growing political crisis in South Africa and called the region of the world where that country is located as "a region of vital importance to the West." He noted that "the root cause of South Africa's disorder is apartheid" and pointed out rightly that "time is running out for moderates of all races in South Africa."

The problem is that presently political rights in South Africa are based solely on race, and black people, no matter how accomplished they are, have none. Since blacks have no political rights, it makes it very difficult for them to achieve a gradual, peaceful

change in that country's race policies, and Soviet preached violent change becomes their alternative.

Americans can appreciate the frustrations blacks in South Africa must feel. Our own Declaration of Independence notes that all men are endowed by their Creator with rights to life, liberty and the pursuit of happiness and that men establish governments to help them secure such rights. That same declaration states then when governments suppress the people "it is their right, it is their duty to throw off such government." That is what Americans did in our war for independence, and it is what black South Africans are trying to do in their land. We in Congress in this legislation are attempting to move the South African Government to negotiate with black leaders to institute government by the consent of the government.

I am absolutely convinced this is the right thing for the Congress to do. We have talked about the evils of apartheid for over 40 years. It is time for action. The present administration is paralyzed and will take no action. That is why on January 3, 1985, on the very first day of this Congress, I introduced S. 147 the South African Human Rights Act of 1985.

That bill was referred to the Foreign Relations Committee and I am pleased that four of the key provisions in my bill: First, mandatory Sullivan principles for United States companies operating in South Africa; second, a ban on nuclear trade with South Africa; third, a ban on loans to the Government of South Africa; and fourth, restrictions on sales of computers to the Government of South Africa are in the bill reported out of the Foreign Relations Committee.

For the last 2 years I have worked to get Congress to pass legislation putting our people and Government on record as opposing apartheid. Last year both Houses of Congress did pass such legislation—but at the last minute the President issued an Executive order imposing some sanctions on South Africa. That action of the President split the bipartisan coalition in the Congress—but last year's action did send a clear signal that America could no longer continue business as usual with South Africa's apartheid government. The actions taken last year were only a warning shot of further steps Congress would take if real change was not forthcoming in that country.

President Botha, in his January speech opening the Capetown Parliament said "South Africa has outgrown apartheid" and gave us hope that South Africa might be taking heed of the worldwide revulsion against its benighted racial system. Since then, however, while the South African

Government has done some minor tinkering with aspects of its oppressive system, it has made no real effort to deal with the big question—institution of a government by the consent of the governed. In fact, that government has become even more oppressive in dealing with the 70 percent of its population which is black.

The bill before us today is specifically designed to help the process of peaceful change in South Africa. It makes clear to South Africa that political change must be instituted if American corporations are to play a growing role in that country's economy. It also provides for the termination of all sanctions if the South African Government will take five steps:

First, release political prisoners and Nelson Mandela from prison;

Second, repeal the state of emergency and release all detainees;

Third, urban democratic political parties;

Fourth, repeal the Group Areas and Population and Registration Act;

Fifth, publicly commit itself to good faith negotiations with truly representative members of the black majority without preconditions.

It is my strong hope that this bill will lead to the good faith negotiations that are South Africa's path to a better future for all its people.

In April Archbishop Tutu called on the International Community to pressure the government by means of economic sanctions to move toward non-violent change. In May the Southern African Catholic Bishops Conference called on the world community to put economic pressure on the apartheid government and to link such pressure with negotiations with accepted leaders of the people. The Protestant South African Council of Churches has long called for economic sanctions against the government. Our country should respond to the moral voices of the South African people—both white and black. This bill is designed to do just that.

I urge its prompt passage.

Mr. KENNEDY. Mr. President, as we finally come to the moment when the Senate is ready to speak on the question of sanctions against South Africa, it is clear why this issue is so important for so many millions of Americans, and why so many Americans care so deeply about ending a system of oppression that exists so many thousands of miles distant from our own land.

We care about injustice. We feel the call to correct it because it is part of our culture and our heritage to help those who suffer anywhere from injustice and inhumanity. Wherever there is oppression, America is challenged to help those who seek to end it. As President John Kennedy said so many years ago, "We can never be fully free unless all of us are truly free."

Throughout our history, Americans have answered the call from those who suffer—whether that suffering comes from the tyranny of one country over another, as happened with Nazi Germany; whether that suffering comes from the exploitation of one race over another, as happened in our own country—or whether it comes from famine and disease, as has happened too frequently throughout the developing nations of the world, in Africa, Asia, and in Latin America.

But beyond our own culture, heritage and history, there is also the American ideal. Apartheid is anathema to every principle of the American system of Government. It strikes at the heart of the American experiment. As a concept and philosophy, apartheid mocks the values we hold dear.

There are certain fundamental truths that survive the test of time and history. Because of their strength and universality, these truths are handed down from generation to generation. Despite the forces of change over time, these truths abide in our own lives and in the spiritual and political life of our Nation. Over 200 years ago, our forebears set forth the message of human freedom that has inspired millions throughout modern history and throughout the world. As we announced our independence from Great Britain, we also declared our belief that all people are created equal, and are endowed by their Creator with certain unalienable rights, among them, the right to life, liberty and the pursuit of happiness.

We cannot be true to our own most basic values and be silent or passive about apartheid. Today millions of South Africans are struggling for their own freedom and independence. They seek to achieve for themselves what our ancestors fought a brutal civil war to achieve for us. We cannot be true to our own commitment to equal justice under law, without supporting their struggle to end apartheid in South Africa.

Americans care about the oppression of apartheid because of our own long and tragic experience with the curse of racism. We have seen the poison that racial discrimination and segregation spread in our own society, and we have struggled to eradicate it. That special experience binds millions of Americans together and moves us to reach out in sympathy and in support so that the millions in South Africa who struggle for freedom today will know that they are not alone.

Some have suggested that the cause of sanctions against South Africa has become the new civil rights issue in this country. There is, of course, some truth in this. The same coalitions that worked to pass the great bipartisan civil rights legislation of the sixties—the churches, the labor unions, the students and political leaders from

both parties—have been mobilized again in support of sanctions against South Africa.

But finally and most powerfully is the feeling of shame by so many Americans that our country is implicated in the terrible system that blights South Africa. Our corporations have benefited from the apartheid economy, and our Government has, for many years, indulged the leaders of apartheid. Perhaps the single most powerful engine applying pressure for sanctions today is the pervasive disappointment generated by President Reagan's flawed policy—and the sense nationwide that the President's policy has failed and is no longer worthy of America.

Only strong action by the Senate can persuade the people of South Africa—black and white alike—that America is not neutral, that we are not uncaring, that we are—vigorously and visibly—on the side of human freedom inside that sad and troubled country.

It is often said on issues of high moment that "the world is watching what we do." In fact, that statement is true about the deliberation that we begin today—whether we like it or not, whether we want it or not. The message we send by our Senate action will be heard and heeded by many different audiences.

But most of all, the message will be heard by the audience to whom we owe our first allegiance—our own people. To the millions of Americans who have worked tirelessly to place our country on the right side of freedom and justice in South Africa, we will now demonstrate that their faith in our democracy is being vindicated.

To the students of America and to their teachers, to the presidents of our great universities and to the distinguished members of their boards of trustees, to the workers of America and to their union leaders, to our State legislators and municipal employees, to religious leaders and their congregations, to chief executive officers of corporations and those who control our powerful financial institutions—let the work go forth from the Senate that time for action by America against apartheid is finally at hand.

Let us speak with one voice, and let us act as one people, for on this issue, the character of our own society will be on display for all to see.

To those in the White House and the Department of State who designed and still defend the doctrine of constructive engagement, I say that your policy has betrayed what is best about America. You have had your time, and you have failed. No longer will we allow the American ideal to be cloaked in false diplomacy and empty rhetoric.

To President Reagan, we hope you will heed the mandate of the Con-

gress. The true friends of America are not to be found in the government offices of Pretoria but in the jail cells of South African prisons. P.W. Botha and his ministers are no friends of freedom, and their government does not serve the interests of the West. We cannot be evenhanded in the face of injustice; we cannot be neutral when confronted with a choice between oppressor and oppressed; we cannot be silent or passive when millions seek those same freedoms that have caused Americans to give their lives in so many wars over so many years. The one sure way for America to advance the cause of Communism in South Africa is for America to turn its back on the pursuit of freedom there.

To our friends and allies in the Commonwealth of Nations and in the European Economic Community, let us send a message that the great democracies of the world are ready to act together to use all of our influence—moral, political, economic—to advance the cause of freedom in South Africa.

To the leaders of the antiapartheid movement in South Africa—to Bishop Desmond Tutu, to Rev. Allan Boesak, to Rev. Beyers Naude, to Nelson Mandela—a man who has devoted his life and given his liberty for his people's freedom—to his courageous wife, Winnie, who has been true to her husband and their cause of a free South Africa—we know that you are watching us today. You had proven that the spark of freedom cannot be extinguished—that even when the darkness descends, and the rule of law is denied, the flame of freedom still warms and moves individual hearts; the spark still passes from soul to soul, connecting one person with another across vast expanses of space and time, with each for a few moments or miles passing on freedom's torch—until the light finally shines out again across the land. We say to you today: the people of America share your struggle and support your cause.

Our action cannot come a moment too soon, the situation in South Africa over the past year has gone from very bad to much, much worse. Over 2,000 people have died since September 1984, and over 100 have been killed in the last 30 days. South Africa is in the early stages of what could be one of the longest and bloodiest civil wars in human history.

The violence and brutality of the repression that is going on inside South Africa as we meet today is unparalleled even for South Africa. Since the state of emergency was imposed in June, 12,000 political leaders have been arrested and detained. The entire leadership of the black South African trade unions are in jail or in hiding at this very moment. Imagine what the impact would be on the United States if thousands of our leaders were sud-

denly arrested and led off to jail. This is the policy of a government that is not interested in negotiation or reconciliation. It is the policy of a government that is interested only in maintaining its arbitrary power, whatever the cost in human life and suffering may be.

Every day in the press, we see a new body count from South Africa. We are told the number of people killed since the violence began in 1984, and we are told the number of people detained since the most recent state of emergency was imposed. The statistics are updated on a daily basis, and standing alone, the numbers are shocking. Thousands have died; thousands more have been detained.

But the statistics tell only part of the story. There is another face to apartheid that can be seen only from within the cramped and crowded jail cells of South African prisons. I am talking about the face of torture.

In a detailed study published by the University of Cape Town's Institute of Criminology, we can read the results of interviews of 176 former detainees. These interviews were not conducted by political activists or members of the antiapartheid movement. The study was performed by two scholars—Don Foster, who is a senior lecturer in the Department of Psychology and holds a Ph.D. and Diane Sandler, who is a graduate student doing research at the institute. Their conclusions deserve special consideration as we try to understand the character of the apartheid regime in South Africa.

These are the facts: 83 percent of the detainees reported some form of physical torture by the security police; the forms of torture included: Punching, kicking, slapping, beating with a whip, forced standing, excrement abuse, maintaining abnormal body positions, electric shocks to genitals, arms and feet, strangulation by hand or by means of a cloth or towel, legs chained around the neck, pulling out or burning hair or beard, genital abuse, beating the soles of the feet, burning matchsticks under nails, fingernails being crushed by a brick, breasts squeezed, petrol poured over body and set alight, sleep deprivation, hooding and blindfolding, drugs, sham executions, the use of animals such as dogs, spiders, and snakes; the youngest age group—below 20 years old—is the most heavily tortured; 66 percent of the people detained were students, young people, and teachers.

In addition, all of the detainees reported some form of psychological abuse, such as prolonged and repeated interrogation, often exceeding 5 hours a session.

Even with the University of Cape Town study, we are forced to deal with numbers and statistics—cold and unfeeling. Last month, another study was issued which gives a more person-

al and human description of the fate of seven individuals who were detained by the South African authorities earlier this year. All seven were detained; all seven died; all seven were beaten to death; all seven were black.

This report was prepared by the Lawyers Committee for Human Rights and is based on interviews conducted with family members of the deceased, fellow detainees, doctors, attorneys representing the family, and official police statements about the cases. The conclusion of this report is chilling: "Inside South Africa's hellish detention centers, abuse has been meted out with such savagery that its victims were dying at the average rate of one per week in the period between April 2 and May 20 of this year."

The seven individuals who are the subjects of the report were killed during the interlude between the state of emergency that was lifted on March 7, 1986, and the more stringent emergency imposed on June 12, 1986. If anything, the situation has become much worse. Since then, South Africa's jails have been packed with over 10,000 new detainees, caught in the sweeping and indiscriminate dragnet of the Government's latest and harshest emergency measures.

I want to read a passage on the treatment of one victim, as described by another detainee arrested at the same time. He is speaking about the case of Lucky Kutumela, a 25-year-old journalist and antiapartheid activist who was arrested on April 4, 1986. He died the next day.

As they dragged him out . . . they were hitting his body with sjamboks and the butt of a shotgun; they were kicking too . . . After they took him out we couldn't see him but we could still hear everything . . . We could hear the thuds on his body, his body bumping against the walls and his screams. At first he was just screaming in pain, but later . . . we could hear him pleading for them to stop.

When he was brought back to the cell, he was writhing in pain . . . He was moaning, and his brain was going funny . . . We were shouting for help . . . but no one came even though we could hear voices nearby. He was now breathing heavily . . . He asked us to cover him with water because he was burning . . . A few minutes later, he died.

Mr. President, the experience of the Commonwealth's Eminent Persons Group—the EPG—is instructive for the Senate. This group was formed under the Commonwealth accord on southern Africa which was agreed to by the heads of government of the 49 Commonwealth nations meeting in Nassau in October 1985. The group has now issued an eloquent report about its experience in South Africa, and that report should be required reading for everyone concerned about ending apartheid in South Africa.

The Eminent Persons Group made a valiant and honorable effort to medi-

ate between the South African Government and its antiapartheid opponents. But the South African Government was unyielding, recalcitrant, and devious. According to the report of the EPG.

We draw the conclusion that while the South African Government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change, nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future.

In the face of such intractability by the South African Government, it is no surprise that the EPG reached the conclusion that concerted action by all Western nations in the form of stiff economic sanctions is necessary.

To the contrary, constructive engagement has become synonymous with aid and comfort to racism in South Africa. Instead of the last best hope on Earth, the United States of America has become the last best friend of apartheid.

On April 2, 1986, Bishop Desmond Tutu, the most eloquent voice for human freedom in South Africa today, risked his own freedom when he suggested the direction that all true friends of a free South Africa should now take:

I have no hope of real change from the [South African] government unless they are forced. We face a catastrophe in this land, and only the action of the international community, by applying pressure, can save us. Our children are dying. Our land is burning and bleeding. And so I call upon the international community to apply punitive sanctions against this government to help us establish a new South Africa that is non-racial, democratic, participatory and just.

This statement comes from the 1984 winner of the Nobel Peace Prize. He speaks, not only for his own people, but for all humankind.

Other eloquent voices in the international community have joined in Bishop Tutu's plea. The Eminent Persons Group concluded unequivocally that economic sanctions by Western nations are necessary to forestall even greater violence inside South Africa. They said:

It is quite clear that gentle diplomacy and quiet persuasion have failed. It is our very firm view that the South African government will never be moved by such approaches. There is no guarantee that sanctions will work, but greatly increased international pressure involving the use of sanctions offers the only chance to avert the tragedy of which we speak involving the destruction of all Western interests in South Africa.

The leaders of the Commonwealth meeting in London on August 5 responded to the EPG recommendation and adopted strong sanctions against the Government of South Africa. The Senate must do no less.

Despite Bishop Tutu's appeal, the recommendations of the Eminent Persons Group, and the action of the Commonwealth nations, the Reagan

administration persists in its rejection of economic sanctions against South Africa.

The Government of South Africa has made clear that it will not respond to the overtures of diplomats from the United States or any other nation. The Botha regime has nothing but contempt for "quiet diplomacy" and "constructive engagement." It has lied to our diplomats, belittled our influence, and wreaked unprecedented violence upon its own citizens. By our continued adherence to constructive engagement, we are implicated in their policy of racism and the violence of apartheid.

The opponents of economic sanctions say that sanctions will not work. But Bishop Tutu responded to this argument in his commencement address at Hunter College last May. He said then:

But if they don't work, why oppose them so vehemently? If they don't work, why did Margaret Thatcher apply them to Argentina during the Falklands war? Why did the United States apply them to Poland and to Nicaragua? Why was President Reagan so annoyed that his European allies did not want to impose sanctions against Libya? If sanctions are so ineffective, why does the United States still maintain a blockade of Cuba? But we have all this wonderful sophistry when it comes to South Africa.

In fact, the failure of the international community to adopt economic sanctions only encourages the architects of apartheid to increase their repression. As the Eminent Persons Group pointed out, "It is not whether economic sanctions will compel change; it is already the case that their absence, and Pretoria's belief that they need not be feared, deters change."

The administration also argues that sanctions will be counterproductive because sanctions will exacerbate the pathological siege mentality of the South African Government. But as the cochairs of the Eminent Persons Group wrote on June 12:

We reject completely the argument that international pressure will force the South African government to withdraw into itself. This commonly held view is masterly disinformation. It has hitherto been successful in persuading major states not to take substantive measures or sanctions against South Africa. The Afrikaners have, in fact, only changed course when under extreme pressure.

The administration also suggests that economic sanctions will injure the very people they are intended to help, the black majority in South Africa. But that argument has been consistently rejected by black South Africans. Recent surveys report that 70 percent of all blacks in South Africa support economic sanctions. As Bishop Tutu has stated:

Blacks are saying, "We are suffering already. To end it, we will support sanctions, even if we have to take on additional suffering." . . . I must ask, to whom is the interna-

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

Finally, there are those who say that sanctions will destroy the South African economy and leave that nation in a financial and economic morass. But if the South African Government continues on its present course, then with or without sanctions, the South African economy will be destroyed by the violence and bloodshed that are now threatening to explode into all-consuming civil war.

The case for economic sanctions is clear. Quiet diplomacy has failed; concerted economic pressure from the international community—combined with continued peaceful pressure inside South Africa—is the last best hope to persuade the apartheid regime to change course and achieve the goal of a free South Africa.

TREATMENT OF OUTSTANDING OBLIGATIONS

Mr. LUGAR. Mr. President, I recognize that the Government of South Africa imposed a standstill on the repayment of debt to foreign banks in September 1985. For U.S. banks this amounts to approximately \$3.3 billion. The regulations issued pursuant to the standstill allow a South African private sector borrower, without the consent of its U.S. bank creditor, to liquidate its obligation to the U.S. bank by placing a deposit with a government controlled entity, the Public Investment Commissioners [PIC]. PIC then assumes obligation for the ultimate repayment of the debt to the foreign bank.

In effect, the primary obligor on the debt has been changed as a result of the operation of South African law. I believe under these circumstances renewal of the obligation, with the new obligor, falls outside the definition of new investment contained in this bill S. 2701.

CODIFICATION OF EXECUTIVE ORDER

Mr. President, one of the purposes of S. 2701 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 S. 2701. In drafting S. 2701, staff of the Foreign Relations Committee looked to these regulations.

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. PRYOR. Mr. President, I am glad that, at last, the Senate is debating this bill, which would extend the sanctions imposed by President Reagan and add others. I believe that we have a responsibility to do our part to change a political system which denies all political representation to 85 percent of its people, which denies them access to education, prohibits them from working where they wish, often keeps male workers from living with their families, denies them access to education, and which has launched military attacks against several of its neighbors.

Many of my constituents have written to me in strong support of these sanctions—and even stronger action—but a few have expressed a concern that first, we have no right to interfere in the affairs of another government; second, we are unnecessarily picking a fight with South Africa while we should be taking punitive action against the Soviet Union and other human rights violators; and third, we are paving the way for an unfriendly government.

Mr. President, I'd like to direct a few remarks toward these arguments of my constituents because I can understand their concerns.

NO RIGHT TO INTERFERE

A couple from Garfield, AR, points out, "Had some other country tried to tell us how to handle our desegregation problems a few years ago, we would certainly felt they were interfering in our internal affairs."

That is a reasonable argument. If we follow a strict rule of noninvolvement, however, wouldn't we have to end our support for the Contras in Nicaragua? All sanctions against the Soviet Union? I dare say many Arkansans would quarrel with such a course.

I don't believe we should go out of our way to interfere in the workings of other governments; after all, we can't even master our own. But there are circumstances which justify U.S. involvement—circumstances which are usually controversial but sometimes defensible. In recent years we have involved ourselves directly in the affairs of Nicaragua, Grenada, South Africa, Angola, Afghanistan, Vietnam, Korea, and the Dominican Republic—and many other countries to a less visible degree. In some cases I have approved of our actions; in others I haven't. Each case was a little different and had to be judged on its particular circumstances. In each case the United States had its own strategic interests of one degree or another.

But on top of that self-interest we also have a tradition of trying—where we can—to protect and extend the kind of personal freedoms that we enjoy in this country. Some say we should not let this consideration influ-

ence our foreign policy and for this reason have opposed our involvement in Vietnam or South Africa or Central America. I believe human rights must play a role in our foreign policy.

WHAT ABOUT ABUSES IN OTHER COUNTRIES?

A constituent from Fayetteville writes:

What business do we have to tell South Africa what to do? Do we undertake to tell Russia and other Communist countries what to do to correct their violations and deprivations of civil rights? Of course we don't, if for no other reason than that it would do no good.

On this point, Mr. President, I want to assure my constituents and others who feel that we ignore the abuses by Communist governments that we most certainly do not. Sanctions that we have imposed on the Soviet Union at one time or another include:

Refusal of most-favored-nation trade status, which results in the Soviet Union and most other Communist countries paying much higher duties on any imports to the United States;

Grain embargoes;

Strict controls on technology transfers;

Restrictions on the number of Soviet diplomats in the United States;

Suspension of Soviet fishing rights in a 20-mile zone;

Suspension of landing rights for the Soviet airline;

Opposition to Western aid on Soviet pipeline development;

Refusal to begin trade talks;

Import ban on many Soviet products;

The Jackson-Vanik amendment tying trade to Soviet emigration policy;

Military and economic support to Afghan freedom fighters and other groups which are trying to contain Soviet expansion.

In addition to these executive or legislative actions, there is a constant effort in the Congress and executive branch to obtain relief for individuals and religious or ethnic groups inside the Soviet Union and its satellites. Not a day goes by that I don't receive a "Dear Colleague" from another office urging my support for the case of a Soviet Jew who wishes to emigrate or Romanian fundamentalist Christians who cannot worship as they please or a political prisoner who advocates independence for the Baltic States. These issues are constantly raised with Soviet officials through letters, visits, and any other forum we can think of.

We are also spending more than \$300 billion a year on our defenses, which are primarily directed against the Soviet Union.

We have applied sanctions against Poland, Nicaragua, Iran, Libya, Uganda, Cuba, Vietnam, and other nations whose policies we do not condone.

Why, then, is there this misperception that we do little or nothing to combat the internal abuses in the Soviet Union while we concentrate all our energies on South Africa? Part of the explanation must be that we have been attacking the Soviet Union for so long that nobody pays attention any more; our anti-Soviet attitude has been institutionalized. Another reason is that we expect a more enlightened attitude of former Commonwealth nations like South Africa. In addition, the abuses in South Africa are so blatant and so obviously directed against a single racial group that they cannot be ignored. Finally, the press has a tendency to spotlight emotional issues, and the South African situation is filled with drama. U.S. efforts on behalf of political prisoners or religious dissenters in the Soviet Union are apparently not so newsworthy.

ARE WE ENCOURAGING THE COMMUNISTS TO TAKE OVER?

A man from Omaha complains:

We traded Chiang Kai Chek for Mao, Batista for Castro, the Shah for Khomeini, Somoza for Ortega, and Marcos for we don't know yet. Why must we oppose those who want to be friends and leave alone those who want to destroy us?

In the cases of Nicaragua, Iran, and Cuba I sincerely believe we were indeed partially responsible for the radical elements taking over—because we mistakenly supported a repressive regime until the inevitable resentment boosted radicals into the leadership.

I don't want the United States to make the same mistake in South Africa. A tiny minority is trying to deny the most basic political rights to 85 percent of the population. Because of the sheer force of numbers, that situation cannot continue. The change over will take place. I don't know how, I don't know when, but it will happen. For once, let's be on the "right" side. By that I mean not only the winning side but also the side of political participation by all citizens. It is that simple.

As long as current conditions continue, resentment will intensify, and frustrated blacks will begin to turn to the left-wing groups. There is a danger from the left in South Africa, and the best way to ensure that the left will gain strength is to continue to resist basic reforms. P.W. Botha is the best ally the Communists have.

My constituents are right: We should not focus solely on South Africa. But we do have an obligation to act. That is why a sanctions bill has such overwhelming support among Republicans and Democrats in the Congress.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Chair asks how much time is yielded to the Senator from Connecticut.

Mr. LUGAR. If the Senator will yield for 1 minute, I would like to simply make a general announcement.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the recognition of the distinguished Senator from Connecticut. As the Chair knows, the amendment procedure calls for alternation back and forth between Republican and Democratic Senators in the offering of amendments so long as both sides have amendments to offer. It is always the prerogative of the Chair to recognize whomever the Chair wishes, but our hope on this side will be that Senator Weicker's amendment might be considered first. Then there will be a Democratic amendment, and then an amendment offered by the distinguished Senator from North Carolina [Mr. HELMS], a Democratic amendment, and then one by the distinguished Senator from South Dakota [Mr. PRESSLER]. We may have additional preferences in due course, but I wanted to mention that so that Senators could be alerted of the potential flow of amendments which we think will expedite handling of the bill. I thank the Senator for yielding.

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

Mr. PELL. Will the Senator yield?

Mr. WEICKER. I certainly do yield.

Mr. PELL. Parliamentary inquiry. On Senator WEICKER's amendment, obviously he controls his time. Would the Senator from Indiana be controlling the bill time or would I?

The PRESIDING OFFICER. The Senator from Rhode Island is correct.

Mr. PELL. Which?

The PRESIDING OFFICER. The mover and the manager control the time.

Mr. PELL. So, in other words, the Senator from Indiana would control the time?

The PRESIDING OFFICER. Yes.

Mr. PELL. I thank the Chair.

The PRESIDING OFFICER. That would be with the exception if the Senator from Indiana is in favor of the amendment. Then under those circumstances, the Democratic leader controls the time.

Mr. LUGAR. Mr. President, in this first instance, I am in favor of the amendment, and so it would be appropriate for the Democratic manager to control the time.

Mr. PELL. I, too, am in favor of the amendment.

Mr. LUGAR. Perhaps we will have to work with the Chair from amendment to amendment.

The PRESIDING OFFICER. The Chair observes that the amendment will probably be adopted.

Mr. PELL. It is likely.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2731

(Purpose: to add sanctions and to redefine "South Africa")

Mr. WEICKER. Mr. President, I extend my thanks and appreciation to the distinguished Senators from Indiana and Rhode Island for structuring a bill in a timely fashion, a bill that might not include all that anyone would want but certainly represents to a great extent that which has to be done in terms of sending a statement by this Nation to the world on the issue of South Africa.

I believe the United States Senate is hours away from reasserting for this Nation a preeminent role of moral leadership on the issue of South Africa.

Mr. President, at this juncture, I would like to submit an amendment. I send it to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER], for himself and Mr. KENNEDY, proposes an amendment numbered 2731.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;
(B) any territory under the Administration, legal or illegal, of South Africa; and
(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(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.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. 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 De-

cember 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. On or after the date of enactment of this Act, no department, agency or any other entity of the United States may enter into a contract for the procurement of goods or services produced or performed in South Africa except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 316. 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. 317. 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. 318. (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).

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. WEICKER. Mr. President, this indeed is a moment for truth insofar as the attitudes of the United States of America toward the practice of apartheid. When I first came to the U.S. Senate, in 1970, everybody recognized that apartheid was wrong, but everyone said it would go away—let nature take its course; certainly something so evil and so bad will not continue. Give to the South African Government the time to be rid of this cancer.

So for the 16 years I have been in the Senate nothing was done, as much by this Senator as anybody else. But the cancer did not go away. It has spread. It is worse today than it was in 1970.

□ 0950

For those who believe that this is a matter of recent note and that any action on the matter of sanctions is precipitous, this is only excusing our-

selves and fooling ourselves. We owe this assertion of moral responsibility to a bipartisan combination of forces now in Congress. Finally, both Democrat and Republican, House and Senate, wish to have the United States of America speak clearly on the greatest wrong of our times.

I especially want to thank my colleague from Massachusetts, Senator KENNEDY, who has been down this lonely road for the past several years. We have worked together on many efforts, and the amendment which I submit at this time is submitted on behalf of myself and the distinguished Senator from Massachusetts.

Above all, I want to thank someone who is not even in this Chamber nor a part of the official political process of the United States, and that is Randall Robinson, a man who organized the demonstrations in front of the South African Embassy here in Washington, DC, and who, with just a handful, when this was no issue at all, protested this policy of evil, and in his words and statements contrasted it to the great ideals of this Nation.

If this measure is passed and if sanctions become law, the person most responsible for that is Randall Robinson and those of his circle who, day after day after day, kept this matter before the American people, when the American people did not care at all.

So, if anyone thinks that citizen participation is not important, it was not a Congressman, a Senator, or a President who brought the matter of South Africa to the attention of the American people. It was a citizen—in this instance, Randall Robinson.

In any event, both on and off this floor, many people have worked many hours and many days to fashion legislation. It is more than a simple statement of ideals. It is a product of the common concerns of this body that I assume will become the law of the land.

In saying that, Mr. President, I do not want to ignore the important symbolism that this legislation lays before the world.

It shows to our own Nation that the constitutional process can respond with a combination of outrage and precision when deciding how we will do business—or not do business—with enemies of humanity and decency around the world.

It shows to our allies that the world's strongest democracy can lead the way in pursuit of peaceful change in a climate of South African violence. And it shows to the people of South Africa that the United States and the world will not stand silent as Pretoria intensifies its brutality.

Even as we condemn the Government of South Africa, this Nation and others concerned about the deteriorating situation has not turned its back on conciliation. This Nation now and

in the future stands ready to resume normal economic relations with South Africa if that nation chooses to recognize political reality. And that reality, Mr. President, is an explosive situation that can only be extinguished by negotiation leading to a truly multiracial representative government.

The most comprehensive report on this situation is also among the most recent. Representatives of the British Commonwealth, after 6 difficult months of consultations and discussions with individuals in South Africa and the region, reached a disturbing conclusion.

Their report states:

After more than 18 months of persistent unrest, upheaval, and killings unprecedented in the country's history, the Government believes that it can contain the situation indefinitely by use of force. . . . Put in the most simple way, the blacks have had enough of apartheid. . . . The strength of black convictions is now matched by a readiness to die for those convictions. They will, therefore, sustain their struggle, whatever the cost.

Mr. President, I know the responses proposed in this body and the House of Representatives and elsewhere are varied. Many of us have in these past months offered very different responses than the ones the Senate has before it today. No matter what our differences, what our emphasis, most in this body have come together to reject only one response. And that is the one that has fashioned for the United States our so far indelible association with apartheid across southern Africa. That response is the policy of noninvolvement crafted by successive administrations in this country. Any response that relies solely on a combination of diplomatic maneuvering the antiapartheid rhetoric is, to the suffering, a copout.

The call for economic sanctions is not a call to disengage from South Africa. It is a call to alliance with the majority of that country and a progression of U.S. policy from talk to action.

I know that this action has been and will continue to be condemned in some quarters as simply moral posturing. For my part, Mr. President, I plead guilty. I consider it vital that this Nation adopt a posture of morality that for all time will place the United States on the side of democratic opportunity in South Africa.

I know also Mr. President, that economic measures against South Africa are expected by some to meet an especially severe test of national purpose. To these critics, sanctions are wrong because the pain will likely extend beyond the government in Pretoria right to the people. It is an argument we have not heard from these same critics with regard to Nicaragua, or Cuba, or Libya, or the Soviet Union, or any of a score of other nations where

economic relations are limited by political considerations.

Again, Mr. President, these critics are correct. As I and many others have said before, it is time we agree to that point and move on. The continued reliance on this argument as an excuse to do nothing is an outrage and an embarrassment to this Nation. Bishop Desmond Tutu writes last June 16 in the New York Times:

I would be more impressed with those who made no bones about the reason they remain in South Africa and said, honestly, "We are concerned for our profits," instead of the baloney that the businesses are there for our benefit. We don't want you there. Please do us a favor: Get out and come back when we have a democratic and just South Africa.

We will hear in this debate, Mr. President, that Bishop Tutu and other foes of apartheid are not representative of the majority of South Africans. Because there are polls that show black respondents in South Africa to be divided on the question of sanctions as a tactic against apartheid, you will be told that advocates of sanctions are out of touch with the population.

□ 1000

And certainly there is no unanimity in the antiapartheid community anywhere in the world—not in the British Commonwealth, not in the United States Congress, indeed, not in South Africa itself. One prominent voice against sanctions is Chief Gatsha Buthelezi, the political and tribal leader of the Zulus. His also is a consistent voice against apartheid, against the hated homelands policy that seeks to isolate blacks on 13 percent of South African land, and against the continued detention of Nelson Mandela.

If it is this voice, the voice of Chief Buthelezi that the administration and other sanctions critics wish to hear, then where is the response to the despicable "group areas act" that sustains the homelands policy? Where is the response to his call for an unconditional release of Nelson Mandela? Where is the response to an end to apartheid? This is also the rhetoric of Chief Buthelezi.

I submit, Mr. President, that there is no response. I submit that the specter of Chief Buthelezi and others who seek an alternative to sanctions have been and will be raised only as a convenient excuse for continued inaction.

And I hope I'm wrong, Mr. President. I hope there is a response that could find economic relations with South Africa to be a positive force for change. It is not sanctions we seek, but political change.

Fortunately for the Zulus, Chief Buthelezi and his political party Inkatha were strong enough to reject so-called independence when Pretoria demanded it years ago. For the Ndebele

Tribe, whose leadership made the same decision only this week, the road to rejecting the loss of their South African citizenship has run with blood. In Kwandebile, 100 people have died in 7 months of fighting over the issue of so-called independence. To Kwandebile, this form of independence would have caused every man, woman, and child in this 1,000 square-mile area to lose even their meager rights as South Africans.

Many of the South Africans of this and other so-called homelands must by law separate from their families for months at a time simply to earn enough money to live. If their families seek to follow them, they must live in cardboard and tin shacks on the outskirts of white areas where they face the police-backed violence of vigilantes, the murderous and random reign of "comrades," the bulldozing of their communities, the hunger and the disease and the overwhelming poverty.

With an estimated 10,000 religious, civic, and labor leaders in jail, there are few voices left to raise in defense, even in the limited venue offered by apartheid. Increasingly, reports are heard of torture and mutilation by the police.

In April, the Lawyers' Committee for Human Rights issued a detailed report of South African police and army abuse aimed specifically at black children. Using South African Government figures, the group reported that 209 children under 16 were killed in political violence from January 1985 through mid-February 1986. More than 2,000 children were detained without charge under the state of emergency from July to March, a full 25 percent of all those detained.

Here is how the Los Angeles Times reported the committee study:

Even more shocking to the monitoring group, however, was the pattern of frequent and widespread torture of children as young as 10 and 11 by the police. More than 30 cases are cited in the report of children who were beaten, whipped, abused sexually, deprived for days of sleep and food and tortured with electric shocks.

For instance, Joseph, 14, whose last name was withheld in the report for his protection, says he was arrested while playing soccer and held for 9 days at an army camp. He said soldiers had burned him with cigarette lighters, cut him with broken bottles and shocked him repeatedly with electric current. His hands were twisted and blackened from the shocks, the report said, and his body badly scarred from the burns and cuts inflicted on him.

"A white soldier took my right arm and bent it behind my back," the report quotes Joseph as saying as he recalled the start of his interrogation at the camp. "He then took out a lighter, and he held it beneath the wrist of my right hand. . . I could smell my flesh burning."

Later, the soldiers used electric current to shock him, Joseph said. A wire would be tied around his right hand, water was poured on him and he was given electric shocks.

"Each time my body would convulse with the shocks," he recounted, "It ripped out my thumbnail and took a chunk of flesh out of my thumb."

That story is repeated countless times every day in the South Africa that up to now we claim as our ally and friend.

We cannot reach our hands into South Africa and wrench solution out of dissolution. What we can accomplish is the levying of a certain price on the continuation of intransigence in South Africa. The benefits of trade, airline travel and access to American banking and investment remain a tangible sign of U.S. acceptance of Pretoria's policy. South Africa is a nation where whites comprise 15 percent of the population yet control nearly 60 percent of the disposable personal income. Meanwhile, the disparities of South African life go almost unnoticed in the white community.

Richard Manning, the Johannesburg bureau chief for Newsweek magazine recently expelled from South Africa writes July 7 and I quote:

Most whites care little about how substandard nutrition and health care hamper the growth of black children. Most know little of the miserable black school system or of the shabby living conditions in the townships and homelands. Most are ignorant of the atmosphere of repression—armed police vans and daily arrests on every block—that turns young blacks against the white authorities and anyone who supports them.

This ignorance carries a very great price for the whites of South Africa. It is sustained in large measure by the absence of economic pressure by the free world. By refusing to carry the economic and political battle into the white community, the United States isolates that community from the rest of South Africa.

This veil of acceptance of the white community is setting the stage for even more tragic consequences. Every major black leader and organization in South Africa continues to call for non-racial and democratic solutions for the nation. Both tenets of the future will require a large measure of white participation and that participation must be encouraged, beginning now in the form of a white opposition to apartheid. This is an essential role of economic sanctions; the raising of a new era of white consciousness about apartheid.

We can only hope that direct Western action against apartheid serves to moderate the vicious polarization taking place in South Africa. This week in Newsweek magazine, Canadian Prime Minister Brian Mulroney was asked in an interview if he believed time is running out. His answer speaks directly to us as Americans. He said, and I quote:

I don't know what's going to happen, but you can be absolutely certain that when the history of this day is written, what is going

to count is that they achieved freedom and what countries assisted in that process. We can't forget the long sweep of history. I spent a weekend watching the United States celebrate Miss Liberty. Someday the people of South Africa are going to be organizing such a celebration. They will remember who helped them.

We remembered that the French helped us, just that one act, to sustain many difficult times over the years. Now is the time to stand up and be counted.

We can only hope that the current debate over sanctions is not too little too late. Last January, in a meeting with civic leaders in my State capital in Hartford, Bishop Tutu said one of his greatest concerns as a man of moderation, as a man of peace, as a man of God, was that if he were a young man in South Africa, he would no longer be listening to Bishop Tutu. That should be our greatest concern as well.

Mr. President, I want to be hopeful, but I must also be realistic about this Nation's policy up to now. By its fruitless trafficking with white oppression, this policy of inaction and rhetoric has become the greatest pro-Communist force existent in Black Africa. That is the truth that this Nation will pay for many times over in the decades ahead unless we exhaust ourselves traveling a road of peaceful change to justice on behalf of all South Africans.

No schoolchild in this Nation is unaware of the circumstances that invite communism that have communism proliferate. It is disease. It is homelessness. It is ignorance. It is oppression. And all of these are there in full measure and more in South Africa, aided and abetted by the United States of America.

I said so in an interview several weeks back, and I repeat today that the greatest pro-Communist force existent in Africa today is the policy of constructive engagement.

If those are harsh words, they are true and there is going to be a price to be paid for that down the road.

Now, Mr. President, to the amendment before us I first want to commend the committee for devising its bill and its solutions to the problem. That committee bill is a long way from the present policy of constructive engagement, a long way, and it stands as a great credit to the Foreign Relations Committee and the Senators who participated in the writing and the passage of that bill.

□ 1010

And it certainly is a long way from the beginning of the debate on this subject several years ago and protests in front of the South African Embassy in Washington.

I have attempted in this amendment to tighten up in a series of small measures the provisions of that bill. I have worked hard and long, I might add,

with the distinguished Senator from Indiana, as well as the Senator from Massachusetts. And this amendment embodies the following provisions:

First, it redefines South Africa to include Namibia in the sanctions.

Namibia, which borders on South Africa, is occupied by South Africa in violation of international law. The United Nations Security Council, with U.S. support, has called upon all countries to refrain from dealing with South Africa insofar as Namibia is concerned. The State Department is on record discouraging United States investment in Namibia. The South Africa-established Government there has rescinded some aspects of apartheid, but segregation permeates housing, education, health care, transportation, and employment.

Second, this amendment then redefines South Africa to include Namibia in the sanctions. Also, it expands landing rights ban to include United States flights to South Africa.

This is a recommendation of the eminent persons group and one of the sanctions that will be applied by the Commonwealth without Britain. There are currently no flights from the United States to South Africa, but this is considered an important symbolic sanction. Because the committee language terminates a treaty relating to air travel between the United States and South Africa, no flights would be allowed between the two countries once this amendment is adopted. Any flight originating in South Africa must first land in a third country if the destination is the United States. The reverse would also be true under this amendment. The language in here also, I might add, includes the words "controlled by," thus preventing South Africans from leasing aircraft or having their aircraft leased for purposes of direct flight to the United States. Again, the reverse is true from the United States to South Africa.

Third, terminate dual taxation agreements with South Africa.

This amendment would terminate treaty entitled "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 of income."

The treaty currently prohibits double taxation of income of South African and United States nationals.

The treaty is an underpinning of tax relations between the United States and approximately 37 nations of the world. It is a statement of international cooperation that upholds a belief that economic activity carries with it a political benefit that should be encouraged rather than stifled by tax policy.

There is a separate component of U.S. tax policy that provides U.S. nationals a tax credit for taxes paid in other nations. This is a separate matter. The foreign tax credit is an effort to provide a measure of fairness in the U.S. tax code. The treaty with South Africa, on the other hand, is a recognition of the benefits of economic activity in South Africa and it flies in the face of this legislation.

Fourth, prohibit United States Government contracts and procurement with South Africa and assistance to trade and tourism.

PROCUREMENT

United States Government entities would be prohibited from entering into contracts with any South African entity, except to maintain the normal operation of diplomatic and consular facilities.

This prevents the United States on an official basis from extending economic relations with South Africa beyond the absolutely essential.

ASSISTANCE TO TRADE

United States funds would be prohibited from aiding investment in or providing subsidy to trade with South Africa.

This would prevent diplomatic efforts to facilitate American involvement in the South African economy. It would not effect consular efforts to facilitate U.S. exports.

PROMOTION OF TOURISM

This would bar United States efforts to encourage tourist travel to South Africa. South Africa has campaigned internationally to attract visitors and artists to its resorts.

None of these provisions will cause a substantive change in United States relations with South Africa. They are, however, an important symbol of U.S. determination to distance itself from apartheid. The resumption of normal diplomatic and trade efforts by our representatives in South Africa can resume when Pretoria takes the necessary steps to insure political rights for the majority.

Fifth, bar South Africa from receipt of United States munitions and commodities that have the potential for both civilian and military use.

The project committee bill makes no mention of arms exports from the United States. Sale or export of these items to South Africa is prohibited by a 1977 United Nations arms embargo and in large measure by the United States own export controls.

The amendment would prohibit the sale or export to South Africa of items on the United States munitions list that are also subject to the United Nations arms embargo. Remaining items on the list may be exported if the President determines the export is solely for commercial purposes and not exported for use by the armed forces, police, or other security forces

of South Africa or any other military purpose.

In addition, the President must submit to Congress every 6 months a report describing any license issued for export of munitions list items to South Africa.

Now I would like to, if I might, for a few minutes discuss the task ahead of us in terms of parliamentary procedure.

The PRESIDING OFFICER. The Chair has to inform the Senator that 30 minutes under the amendment have expired.

Mr. WEICKER. I request of the leadership 5 more minutes from the bill.

Mr. LUGAR. I am happy to yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WEICKER. Our task out here, very simply, is to obtain not 51 votes, but 67 or more. What we want is not a vote on South Africa but a law on South Africa, and there is a big difference in that. We are not unaware of the fact that we could well be facing a Presidential veto. Indeed, that has already been hinted at by the President.

So what is necessary in whatever clears this floor is that it have at least 67 votes; it needs to be, in order to become the law of the United States. There is much that we all want to vote on, but whatever our final conclusion, let us have it understood that it can marshal at least 67 votes when that test comes.

Last, Mr. President, I ask unanimous consent that a letter to the editor appearing in today's Washington Post, written by Malcom Fraser, the former Prime Minister of Australia, who is the cochairman of the Commonwealth Eminent Persons Group, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WHAT PRESIDENT REAGAN SAID ABOUT THE ANC

(By Malcolm Fraser)

I am sure my co-chairman, Gen. Olesegun Obasanjo of the Commonwealth Eminent Persons Group on South Africa, would want to join me in correcting the impression given by President Reagan's speech Tuesday night in Chicago.

Mr. Reagan said, among other things, the one South African group supporting sanctions was the African National Congress. He also said the ANC was dominated by communism.

In fact, the current leadership of that group is largely moderate, nationalist and pragmatic. After many decades of nonviolence as a policy, it was forced to respond to the violence of apartheid by violence of its own. It did that against a background of denial of political and legal rights to blacks. This view of the ANC is supported by Prof. Lodge of Witwatersrand University, who is an accepted authority on the ANC from South Africa itself.

The ANC is not the only black group supporting sanctions. The United Democratic Front and all its many affiliated groups across South Africa support sanctions. The trade union groups COSATU and CUSA support sanctions. Most prominent church leaders, such as Bishop Desmond Tutu and the Rev. Alan Boesak, support sanctions. Alan Boesak's origins were in the Dutch Reform Church. The leading Catholic hierarchy also supports sanctions. These groups all support sanctions as the only means by which the West can offer effective support to the legitimate cause of blacks.

Everyone knows sanctions would hurt blacks. But blacks are hurting every day. Many are dying daily as a result of attacks by the security forces. They also know that continued and increasing guerrilla warfare will hurt both blacks and whites. Most of all, the use of effective sanctions offers the only opportunity of averting that course.

The blacks in South Africa are seeking to exercise those same rights that President Reagan asserts for the contras in Nicaragua, where, incidentally, I support the president's policies.

The president has argued, as does British Prime Minister Margaret Thatcher, that sanctions should be avoided because they would hurt blacks. Even so, there are some sanctions, such as the denial of air links and the freezing of overseas bank accounts, that virtually inconvenience whites alone.

If the United States and Britain do not provide substantial support for the cause of blacks rights in the form of sanctions, the blacks will conclude, as our group indicated in its report, that they are on their own as far as the West is concerned. The black leadership would then make decisions leading to total guerrilla warfare in response to the violence of apartheid.

Because of numbers, the blacks would win such a contest. It may take up to eight or 10 years after great loss of life. The government arising from such a conflict would be pro-Soviet and anti-West. It would nationalize the totality of Western economic and commercial interest. That will be the consequence of maintaining present policies in the United States and Britain. In such circumstances, Western strategic and commercial interests would both be destroyed.

On the contrary, a government composed of current black leaders would be largely pragmatic and would want the economic system to continue. This is recognized by many members of both sides of Congress, and I hope current proposed legislation receives substantial support.

It is tragic that the two most powerful and effective leaders in the Western world, President Reagan and Prime Minister Thatcher, stand very much alone in not recognizing these factors.

(Mr. COCHRAN assumed the chair.)

Mr. WEICKER. What we are confronted with today is really not much different than that which confronted the United States in the late 1930's, vis-a-vis Nazi Germany. We chose to wait and we chose not to act. Were it not for a few courageous allies, a good portion of the Western World today might be under the heels of Adolph Hitler and/or his successors.

The laws of Nazi Germany vis-a-vis the Jews are identical to the laws of South Africa vis-a-vis black South Africa.

We said back in the 1930's that this is a matter far across the ocean and it will not impact on us. And we waited and we watched and we paid the price. We cannot wait and watch this inhumanity any longer.

If not this administration or this generation of voters, then future administrations and future generations of voters will have to pay the price. And the price to be paid will not be some political price on the floor of the U.S. Senate or in the elections. It will be the same price that we had to pay in 1940. It will be a price to be paid in blood.

This is the time to say no. This is the time to make the choice. This is the time for the United States of America to stand side by side with black South Africa and state the very ideals, once again, that this Nation was founded on and under which it exists. For humanity to be demeaned in the fashion that it is demeaned and trampled and murdered in South Africa is to demean this Nation and what it is that we stand for.

□ 1020

And the longer we wait, the little bit less we are in terms of our own value.

I hope this amendment will pass. I hope the legislation will pass the U.S. Senate, would then in conference be approved by the House and Senate and be signed by the President of the United States. That once again will reassert the moral leadership of this Nation, and most importantly, will have used our strength on behalf of those who do not have any, will have given opportunity to those who have none, will give life to those who daily lose theirs. These are the objectives. These are the worthy objectives of a Nation as great as ours.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield 5 additional minutes on the bill to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2731, AS MODIFIED

Mr. WEICKER. Mr. President, I sent a modification of my amendment to the desk and request that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 2 of the amendment, on line 14, PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. 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.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the modification is agreed to.

The amendment, as modified, is as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa; (B) any territory under the Administration, legal or illegal, of South Africa; and (C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(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.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. 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. 315. 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. 316. 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. 317. 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. 318. (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).

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. LUGAR. Mr. President, let me commend the distinguished Senator from Connecticut for an eloquent statement and also for a very constructive amendment. On our side of the aisle, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I think this amendment combines many of the recommendations of the Eminent Persons Group. It is a fine amendment. I would like to recommend to my colleagues on my side of the aisle that they accept this amendment. I yield back the balance of my time.

The PRESIDING OFFICER. All time has expired on the amendment.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified, of the Senator from Connecticut.

The amendment (No. 2731), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, let me congratulate the Senator from Connecticut for offering the amendment which has just been adopted. It is a very, very fine one. I also congratulate him for the effective results on this issue, and for his effective work on this matter.

Mr. WEICKER. Mr. President, I first of all want to thank the Senator from California. I want to also indicate an omission on my part. Believe me, it was nowise intended, because ever since the first day on this matter years ago, the distinguished Senator from California has been in the forefront in combating these injustices and more particularly the form of the apartheid system in South Africa. I want to say that his support, his

advice, and his courage in many instances are exactly why we are at the point we are today.

Mr. CRANSTON. I thank the truly great Senator from Connecticut for those generous remarks and for all his good works.

Mr. President, the amendment just adopted was a portion of the original Kennedy-Weicker-Cranston amendment and embodied many of the provisions that I offered in the Foreign Relations Committee when we were considering this matter. And for those reasons among others relating to my deep support of the substance of that amendment, I ask unanimous consent that I be listed as a cosponsor of it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, I would like to yield such time to the Senator from California as he may need for the introduction of his amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank my friend from Rhode Island.

AMENDMENT NO. 2732

(Purpose: To ban textile imports from South Africa)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 77, line 19, amend section 311(A) by adding after the comma the following: "or (4) textiles."

Mr. CRANSTON. Mr. President, the amendment that I have sent to the desk simply adds textiles to the list of commodities that cannot be imported to this country from South Africa. And it would take immediate effect. The amendment is thus designed to bar the import of any textiles or textile products including finished clothing apparel from the Republic of South Africa. It adds textiles to those items which cannot be imported effective upon passage of the bill.

This carefully targeted sanction would be listed along with the other proposed economic sanctions until the conditions for ending apartheid that are spelled out in the committee reported bill are met. We are not proposing everlasting sanctions. We are proposing sanctions that will be lifted the moment certain conditions that indicate that South Africa is now preparing and actually getting rid of apartheid are fulfilled by the Government of South Africa.

The administration's secretive actions in signing the textiles agreement that provides for an increase in the importation to this country of textiles from South Africa at a time when Congress, supported by the people, intend to propose, to enact, and to

bring about sanctions on South Africa of an economic nature, is an absolute outrage. Why should we be having an agreement negotiated with South Africa that permits their exports to our country to rise at a time when we want the exact opposite to occur—less trade relations, economic sanctions, until the end of apartheid?

□ 1030

That agreement is not raised. The Senate should act to overturn that decision, to stop those textiles from mounting, to stop any textiles from coming into this country from South Africa. The way to do it is to adopt this amendment. There is no reason that the United States should sign an agreement acceding to a surge in textile imports from South Africa at the same time the Congress—Republicans and Democrats working together—is achieving a consensus in favor of punitive economic sanctions against the abominable apartheid regime in South Africa.

What we need to do is to send a message that we will no longer tolerate business as usual with South Africa, just as we decided in the 1930's that we would no longer do business with Adolf Hitler, no longer do business with Nazi Germany. It is now our responsibility to stop doing business with the South African apartheid regime. Voiding the textile agreement is a good place to start, along with the other measures which are in the measure before us now reported by an overwhelming vote from the Foreign Relations Committee.

Textile imports from South Africa surged 139 percent in 1985 and 80 percent in the 12-month period ending in May 1986. This trade is highly imbalanced in favor of South Africa and becoming more so. We just do not need this agreement negotiated by the administration to permit it to continue to grow; we need to stop that trade totally.

To give the exact figures—imports that do cover all textile products, including finished clothing apparel and imports of textiles, were the following, beginning in 1983: Imports from South Africa, 1983, \$34 million; exports to South Africa, \$62 million. We were ahead at that time.

In 1984, imports rose to \$59 million; exports were \$71 million.

Last year, 1985, a total change, imports from South Africa 72 million dollars' worth; exports to South Africa shrank down to only \$29 million.

In the first 5 months of 1986, imports were \$20 million from South Africa; exports \$12 million to South Africa.

The total over this 3-year-plus 5-month period: Imports, \$185 million; exports \$174 million, and the trend

very strongly adverse to the American interests.

Why, I ask, apart from our feelings about South Africa and apartheid, the need for moral leadership by our country, effective leadership by our country—why should we expect an American industry struggling here under unfair foreign competition to compete with what is virtually slave labor? That is what we are talking about in South Africa. We should not expand the profit margin of the apartheid state and its harsh, cruel, white rulers.

There are those who say this measure will harm some black South African workers.

Well, I think we have to grant that it will, to some degree. Actually, however, only 10 percent of the textiles manufactured that come into our country come from the so-called homelands. As with all the other sanctions in this bill, Congress recognizes, and the blacks in South Africa recognize, that black South Africans will suffer, and it is clear they are prepared to suffer, to support the punitive economic sanctions which are the best hope for bringing about an end to apartheid in a peaceful, not a violent, way.

There are those who say we should not do this because it will hurt some blacks, that they will be put into the rolls of the unemployed.

Well, you can draw an analogy to what was happening in our country when we were debating slavery and the Emancipation Proclamation. There were those who said if we abolish slavery, there will be many unemployed blacks in the South.

Well, there were for a while. But rather plainly, the blacks in the South in our country chose freedom over slavery, even if it meant unemployment for a time. That is clearly the choice of the blacks in South Africa.

One other argument that opponents of this amendment specifically will raise is that the textile agreement negotiated by the administration is needed to cap the surge in imports.

I repeat, that is nonsense. The administration already has plenary power under existing law to prevent South African textiles from penetrating the United States market. The administration could impose a total freeze, a reduction, or a total ban on textile imports from South Africa at any time. But has it done that? No. What it has done is to propose and to negotiate an agreement that will permit a steady increase over a 5-year period in imports to this country in textiles from South Africa.

South Africa, incidentally, is not even a party to the Multi-Fiber Marketing Agreement.

Let me, in closing, stress this point: This is not a trade issue. It is a sanctions issue. It is a moral issue. It is a question of American leadership mor-

ally and a question of American leadership materially in steps which, while they cannot bring down apartheid, cannot force it to an end, are the steps most likely to persuade the Government of South Africa that it had better mend its ways.

Textiles are a highly appropriate place to send a significant part of this message. The 5-year agreement negotiated by the administration, an agreement that shocked many Members of this body, many members of the American community, and many people who abhor apartheid in South Africa, will take effect beginning next month, unless we act.

So it is time to act now.

Mr. President, I will have more to say on the general issue of apartheid and sanctions at some later stage in this debate, but I think this is an appropriate place to begin with a modest strengthening of the measure before us that will add a very significant component to the sanctions that we must take against South Africa.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself such time as I may require from the 30-minutes allotted to the opposition on this amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from California. The committee was given this amendment and by a vote of 8-to-9 rejected the amendment. It was a close vote and the debate was spirited. I shall try to reiterate some of the points that occurred during the debate in the Foreign Relations Committee and the reason why the committee rejected the amendment at that time.

The committee found that most of the textile imports coming into the United States from South Africa are apparel and most of this produced in the tribal homelands—21,850 workers make textile products in the homelands. Over 90 percent of these workers are black. Some 146 apparel-producing projects have recently been launched in response to South Africa tax investment incentives.

During the negotiation for the new textile agreement, which the Senator from California has cited, the South Africans had individuals from the homelands on their negotiating team, and those individuals made a special appeal for United States understanding of their situation.

The new textile agreement which has been signed with South Africa, in

our judgment, should be allowed to stand for at least 1 year.

I make the point, stand for 1 year because in the legislation before the Senate today, S. 2701, a textile ban is included as one of the additional measures that might be taken as a sanction following 1 year.

Mr. President, during the course of the debate there will be reference to these additional measures on many occasions. They are found in section 501 of the bill. I cite the language, starting with section 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 12 months of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

□ 1040

Listed in that section are a number of sanctions the President might adopt. The suggestion of our committee was that the textile ban is an appropriate ban in that list we have attempted to make in the initial measures to be adopted, and these are in sections 301-313 of the bill; Krugger-rands, military articles, products from parastatal organizations, computer exports to South Africa, a ban on loans to the Government of South Africa, prohibition on air transportation with South Africa, prohibition on nuclear trade with that country, restrictions on issuance of visas to African nationals, sales of gold stocks, Government of South Africa bank accounts are restricted in some ways, prohibition on importation of uranium and coal, a prohibition on new investment in South Africa, and a termination of certain other provisions.

The Senator from California wishes to add essentially the textile situation to that list, and our argument, Mr. President, is essentially that this is a step which ought to be on the list of things that might occur down the trail. But I think throughout the debate on this bill we are going to have to measure the enthusiasm of Members who want to take additional steps to express their abhorrence of apartheid as opposed to a very targeted list of sanctions now which have to do primarily with the Government or with supporters of the Government.

I submit, Mr. President, that although the distinguished Senator from California has pointed out that many black workers would be unemployed following this type of sanction, and he suggests an analogy to our Civil War, the analogy in this particular case is not very precise. In this situation clearly these are black workers in the homelands area, in very desperate circumstances. They are not the Government of South Africa. They are not officials. They are not rich people. They are not people with any

power to change this one wit. They are people who are employed temporarily in the textile situation.

Now, Mr. President, the textile issue is of considerable poignancy and the issue is a current one, because as the Chair knows we have been discussing this in both Houses and most recently in a celebrated vote; a Presidential veto of a textile bill was not overridden by a close vote in the House.

I am aware that there is considerable interest in this area and in this industry. But during the course of testimony before the Foreign Relations Committee we examined the textile situation in terms of imports and exports from the United States and from South Africa. There have been 5 years of figures produced at least for our security. United States exports to the Government of South Africa—that is, of textiles to that government—in 1981, 1982, 1983, and 1984 exceeded the amount that we imported. In other words, we had a favorable balance of trade in textiles. It was a diminishing balance but nevertheless a favorable one throughout that period of time. Only in 1985 with the surge of textiles that has been mentioned did South Africa have a favorable balance in regard to that commodity with us. So I think in this particular case we have to take a look once again at the terms of trade. This has been a favorable situation by and large for American exporting as opposed to an unfavorable one.

Now, the agreement signed by the administration is more limiting. This is the 5-year agreement that more limiting, ironically, than the Jenkins bill which was vetoed by the President. It was at least an attempt to limit the amount of imports and did so fairly successfully.

The criticism of the agreement and its announcement was it was clearly a part of the debate we are now having on South Africa and the debate we are having on the Jenkins bill or other textile ban measures. So I appreciate the confluence of these events and the difficulty they present to Members trying to sort out all the equities.

Mr. President, I would not be true to the whole spirit of this bill if I failed to oppose the amendment. It simply is an amendment that I think is of marginal value in terms of ending apartheid.

It clearly is going to hurt black workers in the homelands, and it is clear that those black workers were a part of the negotiating situation led to a limitation in a trade which has been favorable to us in 4 out of the last 5 years.

So for these reasons, Mr. President, I rise in opposition to the amendment of the Senator from California. I believe that his general ban on textiles does have merit but only as one of additional sanctions that might be taken

down the trail in the event our legislation today is less successful than we would hope.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. LUGAR. Does the Senator want time on the amendment?

Mr. WALLOP. No. I wish really to take time for an opening statement and set aside the amendment for that purpose. If it is the desire of the chairman to pursue the amendment, if he thinks he has it in hand now to the vote, I would suspend until after that.

Mr. LUGAR. I suspect we are at a point where we are almost prepared to vote on the amendment. However, a rollcall vote has been requested, so there would be that intervention before the Senator could be recognized.

Mr. WALLOP. It is in the hands of the chairman. I do not wish to do one thing or the other. If he wishes to let the committees operate for another 20 minutes, I could make my opening statement.

Mr. LUGAR. Let me suggest the absence of a quorum, and may I suggest the absence of a quorum to consult with my colleagues.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

□ 1050

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I support the amendment of the Senator from California, which would immediately prohibit the importation of textiles from the Republic of South Africa.

To my mind, it is ridiculous that the executive branch has just negotiated a textile agreement with South Africa which provides for more favorable annual growth rates in American imports than in agreements concluded with countries such as Taiwan, long-time friends of the United States.

To those of us from States with an interest in textiles, which includes my own State of Rhode Island and many other States well represented here, this amendment has particular relevance and would be of particular value to our communities.

It seems to me that, given the critical situation in our textile industry, access to American markets should not be permitted to countries whose governments practice such reprehensible acts as apartheid.

I urge my colleagues on this side of the aisle to support this amendment.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I support the amendment offered by the distinguished Senator from California.

I think it should be noted that this amendment was offered in the committee and failed to carry by a one-vote margin. It was an extraordinarily close vote in the committee. The committee divided virtually down the middle on this amendment.

It is true that textiles is listed as a possible sanction in the future. So, in a sense, the basic decision about textiles, in terms of sanctions, has been made. The question really embraced within this amendment is the timing of it.

What the Senator from California would do is bring it in effect forward now and make it an immediately applied sanction.

In some senses, this was provoked by the agreement which the administration reached with the South African Government. Coming at the very time we were facing a crisis with respect to South Africa itself, in terms of United States policy toward it, and coming at a time when we were facing a crisis with respect to textiles, why the administration ever entered into such an arrangement, at such an inopportune time, is puzzling to all of us.

I think the response of the Senator from California, under the circumstances, is appropriate and logical and right. It is on that the Senate ought to take. It would add an additional sanction, a particularly important one, given the visibility and the focus on this issue which has occurred in only the last few weeks.

Therefore, I join my colleague in support of the amendment which the Senator from California has offered.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. GOLDWATER] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York [Mr. MOYNIHAN], is necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—67

Andrews	Ford	Metzenbaum
Baucus	Garn	Mitchell
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Grassley	Packwood
Boren	Harkin	Pell
Bradley	Hart	Proxmire
Broyhill	Heflin	Pryor
Bumpers	Helms	Riegle
Burdick	Hollings	Rockefeller
Byrd	Inouye	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kasten	Simon
Cohen	Kennedy	Specter
Cranston	Kerry	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Leahy	Thurmond
DeConcini	Levin	Trible
Denton	Long	Warner
Dixon	Matsunaga	Weicker
Dodd	Mattlingly	Zorinsky
Eagleton	McConnell	
Exon	Melcher	

NAYS—29

Abdnor	Hatfield	Pressler
Armstrong	Hecht	Quayle
Boschwitz	Helms	Roth
Dole	Humphrey	Rudman
Domenici	Kassebaum	Simpson
Durenberger	Laxalt	Stevens
Evans	Lugar	Symms
Gorton	Mathias	Wallace
Gramm	McClure	Wilson
Hatch	Murkowski	

NOT VOTING—4

Chafee	Hawkins
Goldwater	Moynihan

So the amendment (No. 2732) was agreed to.

□ 1110

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 20 minutes from the time allotted to the Senator from Wyoming.

The PRESIDING OFFICER. Under the order, the Senator from Wyoming has that right to be recognized for 20 minutes.

Mr. WALLOP. Mr. President, could we have order in the Senate on the bill's time?

The PRESIDING OFFICER. The Senator is correct. Those Senators in the aisles, please proceed into the cloakroom and those Republican Senators in the back of the room, please cease conversations.

Would all Senators please take their seats or remove themselves from the Chamber so we will be able to hear the distinguished Senator from Wyoming?

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Chair.

Mr. President, I wish that I could think that this was an exercise in any-

thing but domestic racial politics. I have searched around for grounds on which I can justify the selective application of morality by those who support this legislation and ignore problems in the world far worse, looking for a compass that I think perhaps Congress can use in a desire to place its moral indignation on track.

If South Africa were a Communist nation, we would be granting it most favored nation trading status.

It is more than a little amusing—in fact, it is repugnant—to read the debate in the House of Representatives by those who voted for South African sanctions and see how they treat that repressive, repugnant country of Romania. A Communist country receives capitalist inducements to change its ways. Listen to Mr. ROSTENKOWSKI:

The annual most favored nation renewal process has proved to be a highly effective lever in achieving the goals of increased emigration and has strengthened our hand in improving the human rights conditions for those thousands of Rumanians.

Curious that not sanctions but blessings flow on a Communist country that has a human rights record far more disgusting and repugnant than that of the regime we are looking at now.

□ 1120

I suggest, Mr. President, that what we are looking at is middle-class, comfortable white Senators playing up to the black population of America and the liberal population of America.

You can come to no other conclusion than that this is a racist proposition. It finds repugnance in the moral behavior of a white regime and so do I. It finds repugnance in apartheid and so do I. It finds repugnance in pass laws and discrimination on the basis of race, and so do I.

But it is silent on its repugnance to human rights violations far in excess of those which occur in South Africa. It seeks to go no further than one nation.

So the only conclusion that you can come to, this merry band of white legislators sitting here, is that if a white man does evil things to a black man, that is repugnant. And so it is. But if a white man does it to a white man, or a yellow man to a yellow man, or a black man to another black man, what else can you expect? Is that really what this Senate stands for? Apparently so, if you take a look at the vote that we exercised last year.

I asked this body last year to consider while it was seeking to impose sanctions on South Africa what it was we were doing. And to answer our own consciences as to whether what we were doing we really believed to be the right thing. There was then a lot of talk about standing up for human rights and for our principles, and the

need to do something for the poor oppressed blacks of South Africa.

I asked the Senate, I asked all of us, to answer in our own consciences whether we had thought through whether sanctions against South Africa would in fact help anybody deserving of our help, and whether our imposing them would be a responsible assertion of the belief upon which our own political life is founded, that "all men are created equal."

Specifically, I asked if we were so outraged at the South African white suppression of blacks as to declare economic war upon them with the purpose of encouraging the overthrow of the regime, why do we then not declare economic war to seek to overthrow regimes that are by all responsible measures far worse than that of South Africa? Lest there be some doubt as to just where South Africa ranks among the modern world offenders against our principles that all men are created equal I mentioned that according to the State Department's Human Rights Bureau on the African continent only Botswana is a lesser violator. Only Botswana is a lesser violator and yet where are we postured?—on the backs of a regime that has a court that found its country in violation of its own laws and sought to change it. Peculiar how simple our arrogance becomes.

Anyone willing to challenge that would have to argue that Ethiopia's international starvation of millions of its own is preferable to South Africa or that Egypt's persecution of its Coptic Christians is preferable to South Africa, or that Nigeria's hungry found the solution to the Biafran problem preferable to South Africa, or that Zimbabwe's North Korean trained and led killer battalions let loose on Matabeleland is preferable to South Africa, or that Tanzania's forced collectivization farming that has cost untold lives is preferable to South Africa, or that Mozambique's human rights practices are preferable to South Africa, and that black Africa's most enlightened leaders have treated the East Indian minorities better than those terrible white South Africans have.

Indeed, I asked any of my colleagues that care to argue that black Africa's most enlightened rulers, not to speak of their worst, have treated nonruling black tribes, tribes that are not their own, better than those terrible South African whites have treated all blacks.

I asked earnestly if anyone cared to make such arguments and no one would. Perhaps some of my colleagues who have shown stern and impassioned faces to the cameras on South Africa will care to make any of the arguments that I just mentioned. But I doubt that they are any more ready today than they were last year, even

with television in the Senate. Any such argument this year or last would have to confront a question that just about every American understands. If South Africa is so much worse than the other countries of Africa, so bad as to justify economic war meant to make it like those other countries, why then are hundreds of thousands of blacks walking hundreds and even thousands of miles just to get into that terrible land?

Why is there no mass migration of blacks out of South Africa and into the likes of black-ruled Africa? Be careful, my colleagues. Be careful. Do not denigrate these peoples' yearning for the basics of life. They want safety. They want work. They want shelter. They want freedom from oppressors, for oppression is made no lighter by their dark skins.

If you denigrate these basic concerns, our constituents, who remember their immigrant fathers and grandmothers, will know us as liberals who hide an inhuman social agenda behind fancy words. Last year no one was able to take up this challenge, or willing. Is anyone willing this afternoon, this morning, or before we are done? Apparently not. The argument embarrasses.

Last year I asked those burning with moral furor against South Africa why they did not place on their list of countries marked for economic war and international auspices not just South Africa, but also every country whose human record is equal to or worse than South Africa's, or that commit terrorism against Americans. The biggest and worst offender against human rights, of course, is the Soviet Union. Without doubt, the Soviet Union is also doing its very best to make the lives of every American poor and more precarious. And without doubt it is not curious that we sit here and impose economic sanctions on South Africa and ask them to release Nelson Mandela, yet remain silent about Dr. Sakharov, and subsidize shipments of grain to the Soviet Union? Where is the compass that points with moral passion against human rights? Where is it? Or is this, in fact, domestic racial politics at its worst?

It is inconceivable that South Africa could ever threaten us as the Soviet Union does. Why then spend our moral frenzy to try to bring down the lesser offender that does not threaten us? We smile at Mr. Gorbachev, and facilitate his acquisition of U.S. technology. We subsidize his American grain and offer him Western capital at rates below that which westerners can borrow money. You ask us to bargain our future with Mr. Gorbachev's tyrannical world, yet say to us that South Africa's strategic location and South Africa's strategic minerals can

be comfortably foresworn to the Soviet bloc.

□ 1130

What should the American people think of politicians whose exertions produce a stronger Soviet Union and a weaker South Africa? Just so no one will miss the point of my challenge, I quoted from the State Department Human Rights Bureau a clinical description of the normal day-to-day practices of the Soviet regime, this regime to whom we subsidize the purchase of food and the provisions of capital.

I have never defended and never will defend South Africa's apartheid and its treatment of blacks, but in this relative world of good and evil, common sense tells me to ask, "Does South Africa do such things? Are not such things worse than apartheid?" Let us look a little closer.

South Africa is in the process of dismantling a system of internal passports for some of its people. This terrible system has been around for a generation, during which it has been thoroughly flouted. Because it is an anomaly in a basically free society. Millions of blacks moved into the city in spite of it, set up businesses, and so on.

But the Soviet's Communist Party is not about to abolish the requirement that every single member of that society carry an internal passport—an internal passport—and must seek visas for intercity travel, let alone moving.

How do you think they keep them down on the collective farm?

This system is an indispensable part of an unholy society.

In the Soviet Union you cannot just quit your job, especially in farming and mining. If you are born on a collective farm you may not try your hand at something else. Otherwise, you will end up among the 4 million inhabitants of the Gulag, slave labor camps where every day you earn your gruel for that day only. If you do not make your quota, you do not eat.

Is there any such slavery in South Africa? Is there? Is there such a thing that is so repugnant?

Does anyone here contend that South Africa compels rather than attracts labor?

In the Soviet Union and throughout the Communist world, including the Cuba that our liberals so admire, trying to leave the country without permission is a crime, and for trying it you may be shot and left to bleed to death.

Does South Africa punish those who seek to leave that country?

In the Soviet Union political dissent is deemed inherently illegitimate, indeed impossible according to the laws of scientific socialism and, therefore, a sure sign of insanity in anyone who opposes the party. Psychiatry is

routinely used to treat dissidents with drugs. Does South Africa do that?

Does South Africa seek to treat Bishop Tutu with drugs? Who will say that in this body?

Again, Mr. President, no takers.

Would you rather speak out for human rights in South Africa or in the Soviet Union? In which of the following cities would you rather run afoul of the authorities: in Cape Town or Gorky, in Maputo or Havana?

Your constituents can buy a ticket to Cape Town and criticize apartheid there. They can get into that country and do it. Senators can get into that country and do it.

Would you advise them to go to Gorky and make a stink about Sakharov? What would happen in the Soviet Union to people who chose to speak out the way South Africans do about their regime? You know the answer.

Is there a court in the rest of Africa or the Soviet Union which would judge its own Government had exceeded its bounds? The answer is "No." Not in Egypt, not in Morocco, not in Tunis, not in Zimbabwe, not in Angola, not in the rest of Africa.

I know this is out of fashion, but bear with me. In the Soviet Union, Christianity is officially a threat to the regime and suppressing it is the highest State priority.

As for Jews, Jews in the Soviet Union are officially, by the Government organ, "ruthless cosmopolitans," and they have their own national homeland: Birobidjan, in Siberia.

Lutherans in the Baltic States; Moslems in Central Asia, Uniats in the Ukraine are also persecuted.

Is there any bar to free worship in South Africa?

All of this is to pose a straightforward challenge: Namely, that your claims about it being morally necessary to make economic war on South Africa just do not ring true. Either put the Soviet Union at the head of your target list, or argue that it is evil and its threats are of a lesser order and less repugnant than those of South Africa. Or admit that the claims are simply pretense.

I said last year, and I say now, that we are perverting the very idea upon which our freedom and mankind's hope for freedom rest. Hear, all men are created equal, all of them, not just those upon whom this comfortable white Senate chooses to bestow its blessings.

It is equally as bad for whites to oppress whites as it is for whites to oppress yellows or yellows to oppress blacks, as it is for blacks to oppress blacks or blacks to oppress whites, and as it is for whites to oppress whites.

Tell me why it is different for any of those situations to pertain? Is it that we believe all men are created equal or

is it that we posture for the press and for a constituency that we hope to persuade that we really understand?

Yes, contrary to passionate liberalism, the burden of oppression is not made lighter by claims that it is for the sake of progress. As Arthur Koestler taught us a generation ago, the shame of our century's liberalism is the acceptance of salvery under the banner of freedom, and of the blood of innocents shed for the sake of justice.

Because your moving in South Africa transforms the Founding Fathers' liberating words into contemporary double-think, it is not as cost-free as you think.

The only public response to my challenge last year was a very funny contention by the chairman of the Foreign Relations Committee: sanctions are only meant to help South Africa.

I suppose then that all our subsidized grain, our technology and our low-interest loans are meant to hurt the Soviet Union. In Heaven's name, where is the consistency upon which we can say we have a moral belief and a compass that points in the same direction no matter what the circumstances? Clearly not in this Senate.

Perhaps we should help your States the way you want to help South Africa.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. WALLOP. Mr. President, I yield myself an additional 5 minutes of my time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WALLOP. Let us be serious.

Privately, few colleagues were outraged that I had asked questions that they did not wish to confront. Many more colleagues assured me that they would vote for a bill to impose upon human rights violators worse than South Africa the same sanctions we would impose against South Africa but would not join me in cosponsoring such a bill. Will a majority of this Senate do that? Will those who agree privately be counted in public? I think not, because it is not morality that drives them but domestic politics.

Let me turn now to a subject I only touched upon last year: responsibility.

None of us in this Senate have the means or the will to design a future for South Africa and make it happen. None of us do. If the liberals in both our parties who were trying to bring down the Government of South Africa had it both as their purpose and within their power of make sure that the results were significantly better than what is now, their hypocrisy might be excused.

But most of you who are going to vote economic war against South Africa have given no evidence that you have even thought about what your actions might bring about. In fact, you have no plan for making anything

good happen and have been woefully ignorant about the suffering your actions entail.

I am not talking about the deprivation that economic war will bring, though nobody here talks of the children of South Africa. This is a game between adults, silly, consenting adults. To hell with the children of South Africa. Let them be hungry.

□ 1140

Let the economic sanctions work against the young, who have no place and no means to confront it. Let the black elders who speak for all the blacks—and we know they do not—say that they care not that the black children of Africa go hungry. Let them do that. If you had bothered to look at the reality over there, you would have realized that your hostility to a self-reliant people, not wholly unlike America's frontiersmen, will not bend them—especially since you have not told them under what conditions you would help them fight for their lives. Your only direct effect on them will be to unite them.

The ultimate triumph of apartheid is being created in this Chamber today and tomorrow; the ultimate separation of races, the means by which the moderates are lost and the fanatics on both sides take over.

After all, there are 5 million people who know that they and their children have no other world to build.

It is in the black community that you are doing your greatest harm. Had you cared to look, you who sponsored this legislation, you would have noticed that there are all kinds of blacks in South Africa, and many kinds of struggle. Had you cared, the beginning of responsibility would be to ask how what we say and do affect these troubles. Last year, I begged you to notice the correlation between what was taking place in Congress and the violence. The violence played to us, and we played to it. And it increased, thanks to the actions of the Senate.

After much prodding, liberals noted the perplexing fact that nearly all the violence in South Africa is perpetrated by blacks against blacks.

But nothing has so disgusted me as the sight of self-proclaimed civil libertarians who coddle criminals here at home and blithely accept the explanation that those blacks burned alive by self-proclaimed "comrades" are "police stooges" and deserve to die.

What kind of world do we think we possess and where is the morality in a posture like that?

It would dismay most Americans if they realized that their elected representatives were encouraging that kind of violence as the inevitable path to greater justice, and condemn all efforts to repress and punish that sort of thing as reactionary.

There are struggles to the death among South African blacks and it behooves us to assess how our actions are affecting them. First of all, as elsewhere in Africa, there are ancient tribal animosities that the overwhelming power of nonblacks has kept from producing periodic carnage. Because some leaders of the Xhosa Tribe are associated with the largely Communist ANC; they have support from self-styled progressives in the United States and in Western Europe. By talk and by sanctions, our progressives demean every black who does not submit to the ANC and its "comrades" as Uncle Toms. This certainly encourages greater assertiveness by the Xhosas.

All the talk about the passing of the white man's order of things, the whites' growing concentration on their own safety and the prospect of being oppressed by the Xhosas deeply distresses the Zulus, who may be the area's biggest tribe and certainly the one with the most ferocious past. It just so happens that Zulu leaders are procapitalist and anti-Soviet. In other words, our fine liberals and their morally hypocritical sanctions are helping to incite a not only civil war but within it a black civil war in which who knows how many innocents may die.

I wish this were something new. In fact, supporting progressive causes that result in mass murders is something of a specialty for American liberals in general and the Senate Foreign Relations Committee in particular. I need only mention Vietnam, Laos, and Cambodia. These holocausts were due in part to our distinguished Foreign Relations Committee in the late sixties and early seventies. In the late seventies, that distinguished body helped break resistance to Mr. Mugabe in Zimbabwe. Too bad for the Matabeles. In 1980, that body almost unanimously recommended to send \$75 million for the Sandinistas. Too bad for the Miskitos. Now it is urging us to wage economic warfare on South Africa to break resistance to rule by that great moral leader Bishop Tutu, who says the West can "go to hell."

But this is no news to our distinguished foreign policy establishment. In fact the stock-in-trade of these distinguished people is that the Lord attempts to ingratiate people who want deeply to send us to hell.

I say to my colleagues, President Reagan has said that sanctions on South Africa would be "a historic act of folly," like pouring gasoline on a fire. That is the counsel of common sense. On the other side are people whose track records insist on failure after bloody failure. On every continent are liberals who indulge their conscience and millions who have paid

for their indulgence in blood. Have we not had enough?

Now I am amazed at how Congress, like lemmings, proceeds down to the waters of death, mindless of the future, heedless of history, and careless of the people they profess to embrace. Who will shoulder the blame for the approaching agony? History tells us no one. History tells us that liberals will place blame but never own up to it. Sad, is it not, that we here, in comfort, can legislate other people's pain without conscience—and without ever having to be called to account?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I have an amendment but I first want to compliment my colleague from Wyoming for a very courageous speech. He needs to be listened to, as he said. I am afraid he may not be listened to.

AMENDMENT NO. 2693

(Purpose: To strike section authorizing the President to sell U.S. gold stocks)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) for himself, Mr. MURKOWSKI, Mr. ABDNOR, Mr. LAXALT, Mr. BROYHILL, Mr. MELCHER, Mr. WALLOP, Mr. DENTON, Mr. MCCLURE, Mr. BOSCHWITZ, Mr. BAUCUS, Mr. SYMMS, Mr. GARN, Mr. HECHT, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. HELMS, Mr. EXON, Mr. HATFIELD, Mr. WILSON, and Mr. BINGAMAN, proposes an amendment numbered 2693.

The amendment is as follows:

Delete Section 309.

Mr. PRESSLER. Mr. President, I oppose the evil system of apartheid. Let me begin by saying that in the debate on South African sanctions, I think there are a number of assumptions floating around which are just accepted without adequate scrutiny, or they seem to be accepted in this body, they are accepted in our media, and I believe that they are basically wrong.

First, is the assumption that apartheid will be ended more quickly if we impose economic sanctions. I believe just the opposite will occur.

Indeed, a week ago Sunday, in the New York Times, a very liberal white member of parliament, Ms. Helen Suzman, wrote a brilliant article, which I circulated to all Senators, arguing against economic sanctions on the grounds that they will prolong apartheid.

I oppose apartheid. I believe strongly that that system is repugnant. But I also believe strongly that economic sanctions will prolong, not shorten, apartheid.

Many also believe in the assumption that sanctions will force the Botha government to the left. I believe it will

be forced to the right, because the main threat against the Botha government comes from the right. If anything, it will become more oppressive if sanctions are imposed and if they work as intended.

I do not agree with everything the Botha government has done. Indeed, I have been a critic of South Africa, and have followed that action for a number of years. I serve on the board of directors of a group of former Rhode Scholars who are studying ways to improve education for blacks there. I have followed that problem closely and have tried to study it in depth.

The number of assumptions that are accepted domestically is truly amazing. I fear we are making this foreign policy decision based on a domestic civil rights criterion that should not apply. We are rigorously analyzing what must be done to change the apartheid system. There is no rigorous analysis of what is going to happen after sanctions. That troubles me greatly.

□ 1150

A third assumption that seems to float around is that at some point, the Afrikaner Government of South Africa is going to cut and run. That is not true because it has no place to cut and run to. It may be that some of the English South Africans, white South Africans will go back to England, but the Afrikaners are very imbedded in South Africa, and the Indian minority looks to them for protection, the colored minority looks to them for protection, very frankly. If there were a civil war in South Africa, if it did go up in flames as some seem to hope, it would not be everybody against the whites. In my judgment, it would probably be the whites or the Asians, the colored, Buthezi blacks, and others against the ANC, and there is little doubt in my mind that the Afrikaner Government would win that very decisively, very quickly, with their allies, and they could be very much more repressive.

Another mistaken assumption is that the ANC movement in South Africa is similar to our civil rights movement. Nothing could be further from the truth. If you look at the philosophy of Martin Luther King and the philosophy of Oliver Tambo, they are quite different, indeed. Oliver Tambo is a totalitarian Communist whose group engages in necklacing of people, that is, putting tires around their necks—this is not whites but other blacks who do not agree with them—pouring gasoline on them and setting them afire. They are not interested in free elections. There are many in this country who will not be happy until Oliver Tambo runs South Africa.

But there will not be free elections. That is not what they have in mind. There is not going to be a court system similar to what they have now. That is not what they have in mind. They have in mind a totalitarian state similar to Zimbabwe across the border or Mozambique, or some of the other African countries which we hear very little about but which have very much more repressive systems. But I hope we think about some of those assumptions.

So, Mr. President, I shall oppose these sanctions because I think they are going to have exactly the opposite impact we intend. I think many here are debating in a passionate fashion based on civil rights criteria. This will be the civil rights vote of the year. Already there are letters to the editors in my home State papers since I voted against the bill in committee saying I am proapartheid, that I am not concerned about civil rights, or that I am not concerned about equal rights for people.

None of this is true. I oppose apartheid, but I think what is being done today will have the opposite impact. Sanctions will slow down the dismantling of apartheid.

Perhaps one section of this bill illustrates that better than all others and that is what my amendment addresses. I shall not take much time in view of the fact that our distinguished Foreign Relations Committee chairman has indicated his willingness to accept this amendment, but I think that this amendment illustrates the problems with this bill. I want to recognize the cosponsors of the amendment and briefly state the reason for it. The cosponsors at this point are Senator MURKOWSKI, Senator ABDNOR, Senator LAXALT, Senator MELCHER, Senator BROYHILL, and Senator WALLOP. Senator MCCLURE has agreed to combine his amendment with mine, and I ask unanimous consent that his cosponsors be added to my amendment as cosponsors. They are Senators MCCLURE, BOSCHWITZ, BAUCUS, SYMMS, GARN, HECHT, STEVENS, DOMENICI, HATCH, HELMS, EXON, HATFIELD, WILSON, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, section 309 of this bill authorizes the President to sell U.S. gold stocks if he considers such action necessary or appropriate to accomplish the purposes of the bill. If this action were undertaken, the practical effect would be to drive down the world price of gold. I oppose this because of the devastation it would cause throughout the American mining industry and also I think it would be ineffective. It would also affect the economy of the Philippines which produces gold. Indeed, we would

be shooting ourselves in the foot with this bill if it had its desired result.

First of all, the United States is one of the highest cost gold-producing countries in the world. We would be the first affected by a drop in the price of gold. This would threaten the jobs of over 8,000 miners in 15 States, plus over 25,000 more who are employed in industries tied to gold mining. In my State of South Dakota alone, over 1,700 people directly employed in mining would be harmed, plus several thousand others whose livelihoods depend on gold mining.

Ironically, South Africa would be the last country affected by plummeting gold prices. Its average cost of production is \$163 per ounce compared to the U.S. average of \$300 to \$330 per ounce. Gold now sells in the neighborhood of \$350 per ounce. Under South African law, as the price of gold falls, mines which produce gold most cheaply are worked. The opposite occurs when the gold price rises—higher cost gold is mined. The small margin of profit available to U.S. gold producers does not permit this kind of control here. Our mines and our miners would be the first to be put out of business.

So here we have a sanction that would hurt us and South Africa would be the last country hurt. And that is why I have come to agree with Margaret Thatcher that economic sanctions presently have the opposite impact intended, and if we study all the economic sanctions in the last 10 years around the world they usually have had the wrong impact.

I spoke out strongly against the Soviet grain embargo and offered the amendment on this floor in 1980 that struck down enforcement funds for the Soviet grain embargo on an appropriations bill. The point of the matter is that it hurt us before it hurt anyone else. And this amendment addresses that same problem regarding gold.

There are other arguments against this provision, but in the interest of time I will simply list them here: It would increase pressure on the administration to sell gold, creating enough uncertainty in the domestic mining industry that mineral exploration and development decisions would be postponed; a number of smaller nations which export locally mined gold would be harmed. These include countries such as the Philippines, Papua, New Guinea, and Ghana, which receive United States foreign assistance; employment of 450,000 black South African miners would be jeopardized.

Mr. President, I now ask unanimous consent that the personal comments on this matter of Robert C. Horton, Director of the U.S. Bureau of Mines, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, DC, August 7, 1986.

HON. LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: I am deeply concerned regarding the proposal to sell gold from U.S. gold stocks with the avowed purpose of driving down the price of gold, presumably resulting in the economic punishment of South Africa. My personal general views and evaluation of the proposal are presented in the enclosed comments. I hope you will find them useful as you consider the proposal.

Sincerely,

ROBERT C. HORTON,
Director.

COMMENTS ON THE PROPOSED FORCE
REDUCTION OF GOLD PRICES
(By Robert C. Horton)

There is no country in the world whose economy is more dependent upon the price and production of gold than that of South Africa. A recent report by the Chamber of Mines of South Africa noted:

"The South African gold mining industry accounts for some 55 percent of total free world gold production, employs 513,832 black and white workers, and maintains its position as a basis for much of the activity of the other sectors of the economy. The latter is reflected by the industry's rising share of the gross domestic product. This rose from an average of 9 percent in the 1950s to an average of 11 percent in the last five years."

The policies of the South African government and the probable response of its gold mining companies must be carefully considered by those who would seek to place South Africa at a disadvantage by forcing the price of gold downward. South Africa gold mines are legally required to mine to the average value of each mine's published ore reserves. Such reserves are determined by the pay limit, i.e., the minimum quantity of gold in a ton of rock which will produce enough revenue to cover the cost of mining, processing, and marketing. When the price of gold rises, the pay limit declines, lower grade ore is mined, and previously marginal mines acquire a new lease of life. This also affects the output of gold, which declines in volume as the grade which is mined decreases.

The increase in the price of gold since 1970 and the legal requirement to reduce the grade of ore mined has been partially responsible for a large decrease in the grade mined in South Africa, from 0.43 ounces per ton in 1970 to 0.20 ounces per ton in 1985, and a decrease in production from a high of 1000 metric tons in 1970 to 690 metric tons in 1985. South Africa appears well able to reverse this process, at least over the short term, if gold prices decline. The general increase in the world price of gold has been amplified in South Africa because of the devaluation of the rand versus the U.S. dollar. This devaluation has increased the rand price of gold to record highs, allowing mining of even lower grade ore than would have otherwise been possible. Further devaluation of the rand would likely occur were the price of gold to decline.

The U.S. Bureau of Mines recently completed a study of 111 of the more significant gold mines in 13 market economy countries. Two major conclusions of this study were:

1. South Africa is by far the largest source of economic gold production. It represents

716 million troy ounces (87 percent) of the 810 million troy ounces of total recoverable gold available from these 111 operations.

2. Seventy percent of the total recoverable gold is economic at a cost level of \$300 per troy ounce or less. This gold is available from just 46 operations, 23 of which are in South Africa. Of greater significance, South African mines account for 90 percent of the gold in this cost range.

No other country is as well positioned as is South Africa as regards continued gold mining in the face of lower gold prices. Were the price to decline, South Africa would reverse its course of the last several years, as required by its laws, and mine higher grade ores, largely if not entirely compensating for the reduction in export earnings that would otherwise occur. Most gold mines in other countries, including the United States, would be forced to close.

Gold is a valuable coproduct or byproduct of other metal mining operations, particularly copper mining. Several U.S. and foreign copper mines, already in economic difficulty because of the low price of copper, may also be forced to close. As an example, the Bingham Pit copper mine of the Kennecott Corporation, scheduled to reopen in 1987 or 1988 following a \$400 million renovation effort, depends heavily upon its gold byproduct earnings. A severe reduction in the price of gold may postpone or prevent its reopening.

Gold exploration and mining is the last bastion of profitable metal mining operations in the United States. Loss of this industry may cause the United States to lose its last pool of metal exploration and development technology, a technology already threatened with extinction.

Unsuspected economic impacts may result from a determined effort to reduce the price of gold. The motives and objectives of the many traders and speculators in gold defy economic modeling and reliable forecasting. However, were the United States to offer gold at a reduced price some foreign traders and speculators would rush to buy, counting on the historical long-term rise in the price of gold to eventually return a profit. To do so they would have to convert their local currencies to dollars, buying dollars in order to buy gold. This action would devalue the foreign currency and increase the value of the dollar, an action counter to that presently sought by the United States.

Gold is not just another metal. It is the preferred substance of wealth for those who doubt the value or stability of their own nation's currency. Its value is ultimately determined by those who would buy it rather than by those who would sell it. While some may believe that by reducing the price of gold they are following a course of action that will punish South Africa, they may discover instead they have punished themselves and their friends.

Gold Statistics (million troy ounces)

Gold stocks:	
Market economy countries.....	1,140
Centrally planned economy countries.....	80
Privately held coin, bullion, jewelry.....	1350
World total, excluding industrial use.....	
U.S. Government gold stocks.....	260
Gold production, 1985, estimated:	
United States.....	2.40
Australia.....	1.70
Canada.....	2.70

South Africa.....	22.20
Other market economy countries...	7.00
China.....	1.90
U.S.S.R.....	8.70
Other centrally planned economy countries.....	.40
World total	47.00

¹ The total quantity of gold held by governments and individuals, for whatever purpose, may exceed 3,200 million troy ounces.

Mr. PRESSLER. Mr. President, I understand that other Senators may have comments and may wish to supply statements in writing, including Senators ABDNOR, HECHT, and McCLURE. I ask unanimous consent that they be inserted in the context of this debate as if read.

Also, I ask unanimous consent to add Senator DENTON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, in conclusion, let me say that I understand Senators SYMMS and MURKOWSKI will be making brief comments. If the amendment cannot be accepted, I would ask for the yeas and nays, but if we can get it done by voice vote, I would prefer that—we have done a great deal of work on this amendment and visited I believe with every Senator's office on the minority and majority sides. We have been trying to work this particular amendment out without a rollcall vote, but I will be happy to have a rollcall vote if someone requests that.

This section of the bill illustrates the problem with the whole bill. If we can strike this it would make it a somewhat more palatable bill, but I would still not be able to vote for it. I should make that clear. What we are doing today is a mistake in terms of foreign policy, for this body is legislating on foreign policy using domestic civil rights criteria as the basis.

□ 1200

I am all for civil rights and equal treatment regardless of race and ending apartheid, but I think we must analyze this question in terms of foreign policy criteria. We must evaluate what will happen if the sanctions are adopted.

As I have gone around to other Senators and talked about what would happen if this gold sale section were left in, I have heard considerable agreement that it is counterproductive. South Africa would be the last country to be hurt; we and our allies would be the first, and it would not have anything to do with ending apartheid. I argue that the entire bill falls into the same category.

I hope we can at least strike this particular portion.

I yield to the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. I thank the Senator for yielding.

Mr. President, I thank the distinguished Senator from South Dakota

for the work he has done in the Chamber to alert our Members of the folly of this suggestion.

Mr. President, I spoke on the floor a couple of weeks ago in opposition to dumping Federal Reserve gold on the world market to depress the value of South Africa's gold. Since that time, many organizations have come out in support of striking this section of the sanctions bill. The American Mining Congress, the Gold Institute, and even the Director of the Bureau of Mines, Robert C. Horton, have stated that this provision would harm the United States more than it would hurt South Africa. This provision must be removed from the bill to eliminate any instability it may cause to the domestic mining industry.

Director Horton's recent statement shows that South Africa would not be affected and the incidental impact on the other world producers would be dramatic. I have said before that enacting this section of the sanctions bill would be like "cutting off our nose to spite our face."

I think there is another point that should be made here. South Africa has the lowest cost of production in the world. Currently, its mining operations are forced by law to mine only the lower grade ores. This provision has left the higher grade ores in the ground. Should this provision be enacted, South Africa could easily make up the cost difference by switching to the lower cost, high grade ore mines. This would devastate those in mining in South Dakota, which I understand has 2,000 people who work in home State mining, not to mention other States in the West.

Gold is a world commodity. Its price cannot be set domestically at a different rate than the world price. What few realize is the massive damage dumping gold would have on the entire U.S. mining industry—not just gold. American miners have not had an easy time lately. Overly restrictive environmental regulations, ever increasing tax burdens and depressed commodity prices have put the U.S. industry in its worst recession in recent memory.

Gold has been the only metal—precious or otherwise—to retain a reasonable value. Many mining enterprises—and I think of many in my home State of Idaho—have been kept in business solely by their gold operations. I have said before, and say again, if we go forward with the attempt to bring South Africa to its knees by using Fort Knox, we will be shooting ourselves in the foot.

Those who offer sanctions as the means of getting rid of apartheid must think about the domestic consequences of their actions. It is easy to choose gold when you come from a State that does not produce gold and do not have to worry about a de-

pressed mining economy. For those of us in the western mineral zone—and I think of Idaho, South Dakota, Montana, Utah, Nevada, California, Wyoming, Colorado, Arizona, and New Mexico—the reality of the depressed condition of mining comes home every day.

Gold is the glue that holds many of these mining operations together and allows at least some workers to continue earning a living producing the minerals we need. Gold is often a byproduct of other basic minerals that are mined.

I urge the Senate to support this amendment and remove the provision from the bill.

Mr. PRESSLER. Mr. President, in concluding the arguments for my amendment, it would present a very serious problem if we failed to adopt it. It would urge the President to sell gold from the stocks as a method of lowering the world gold price, theoretically to hurt South Africa. It would hurt last of all the countries that produce gold.

Mr. HECHT. Mr. President, I rise in support of the amendment of the Senator from South Dakota.

The provision contained in section 309 of S. 2701 would grant authority to the President to sell United States gold reserves to drive the world gold price down to make South Africa's gold mining less profitable. This is a prime example of why the use of economic sanctions only damage the position of the issuer and not the intended target.

Mr. President, the sanctions movement has the most honorable intent of attempting to force the elimination of the repugnant system of apartheid, however, the result will be greater hardship on U.S. citizens.

It is true that gold plays a significant role in the economy of South Africa, yet we must analyze closely the probable result of implementing such a proposal. Our neighbor to the south, Mexico, already suffering from a depressed economy because of the decreased value of its oil resources, depends on its gold production and reserves to maintain economic stability. Other strategic and economic allies of the United States could be seriously affected, including Canada, Australia, Brazil, Chile, and the Philippines. Surely, these countries are not the targets of the authors of this provision.

In the United States, gold mining is one of the last remaining profitable mining industries in this Nation. In my State of Nevada alone, several thousand people would be thrown out of work and the mines closed down. We have already seen actions by our own Government through below-market lending to foreign copper producers has destroyed the copper industry in our State.

There was a proposal last year to sell the reserves of the U.S. Treasury to meet the debt obligations of this country in the absence of legislation raising the debt ceiling. Treasury Secretary James Baker, in responding to this proposal stated:

... It would undercut confidence here and abroad based on the widespread belief that the gold reserve is the foundation of our financial system.*.*.*

Hence the basic position of the United States as the financial leader of the world could be seriously jeopardized.

And what of the many collectors and investors in gold, many of whom are elderly, who have purchased gold as a hedge against inflation? Just last December, the President signed into law, the Gold Bullion Coin Act of 1985, authorizing the minting of U.S. gold coins for the first time in over 50 years. One month we are encouraging purchase of United States gold coins as an alternative to the South Africa Krugerrand, and then, even before our coins have been struck, we are proposing to significantly diminish the market price for gold.

Yessiree! We'll show those South Africans a thing or two. We'll throw a hand grenade into the international financial markets, destabilize ourselves, our most important strategic and economic allies, throw thousands of people out of work, undermine the investment positions of thousands more, and thoroughly weaken America's standing as the economic leader of the free world.

Mr. President, this is too high a price to pay.

And what will happen to South Africa? They will probably adjust. They will sell more diamonds, or more of their vast quantities of strategic raw materials. They will throw thousands of black miners out of work. Probably only a minor economic setback and a major step backwards from the objective of those who promote sanctions.

Mr. President, I am absolutely opposed to the continuation of any semblance of the apartheid system in South Africa. However, it is vitally important that we not take such drastic action that will only weaken our own position and the position of our allies. Many progressive steps have already been taken to dismantle the apartheid policies of the Government of South Africa, but more importantly, many more steps are necessary. We should continue to work toward a peaceful evolution of majority participation in the Government there, but we should not adopt sanctions which will threaten our own economic stability.

Mr. McCURE. Mr. President, the amendment before us would strike section 309 of S. 2701, which calls for sanctions against South Africa. Aside from the broader question of whether

or not we should impose sanctions, section 309 will do little to change the situation in South Africa, but will badly damage the mining industries of the United States and our allies.

Inclusion of section 309 in the Senate bill was prompted by a recent editorial in the Economist suggesting that an attack on the South Africa gold market would significantly pressure the Government of South Africa to change its policies.

Section 309 grants authority to the President to sell our U.S. gold reserves. The proponents argue that this would drive the world gold price down and hurt the South African gold industry which produces 44 percent of the world's gold. However, when you review the situation of our domestic mining industry, it is obvious that any effect on South African production would occur only after the United States industry is devastated.

Mr. President, because of the depressed state of base metal and silver prices, many major mining companies are losing money on their operations. In my home State of Idaho, unemployment in the mining district currently exceeds 40 percent. Most of the mines have been closed and will probably not open until after the first of the year. Those which are in operation are only able to continue in business because of the profitability of their gold operations. Without gold mining, there would be essentially no mining exploration and development of any critical and strategic minerals.

Since gold is a world commodity and its price cannot be set domestically at a different rate than the world price, gold producers from the United States, Australia, Brazil, and Canada, which make up 33 percent of world gold production, would be badly damaged. In the case of certain small countries where gold production is a significant part of their GNP and their foreign exchange earnings, this action could create an economic disaster.

Domestically, gold is produced profitably in 15 States, with Nevada, South Dakota, California, and Montana being the largest producers. Other producing States include Alaska, Arizona, Colorado, Idaho, Missouri, South Carolina, Tennessee, Utah, Washington, New Mexico, and Oregon.

Mr. President, it makes no sense to sell our U.S. gold reserves. I appreciate the willingness of the chairman of the Foreign Relations Committee to reconsider this ill-advised proposal. There is overwhelming support for repeal of this section. On August 11, I sent a "Dear Colleague" letter which was signed by 20 Senators indicating their strong opposition to this proposed sanction. I ask unanimous consent that a copy of my August 11 "Dear Colleague" be printed in the

RECORD along with the names of the cosponsors.

Mr. President, I ask unanimous consent that the attached outline of statistics relating to the world production of gold, prepared by the Gold Institute, be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

IMPACT OF GOLD SANCTIONS PROPOSED BY U.S. SENATE FOREIGN RELATIONS COMMITTEE

The proposal to authorize the dumping of gold, to drive down the gold price, has serious consequences for many completely innocent parties. Analysis of world gold production shows the following:

Percentage of world gold production, 1986	
	Percent
Australia, Brazil, Canada, and the U.S.	20.0
50 other small producing countries....	13.0
South Africa	33.0
China	44.5
Soviet Union	4.5
Total	100.0

WHO WILL BE HURT MOST

It is true that the South African economy relies heavily on gold mining, and depressed gold prices would reduce that country's export revenues, but it is important to realize that many others in the world would be hurt much worse. In the case of certain developing countries, where gold production is a significant part of their Gross National Product and their foreign exchange earnings, this action could spell economic disaster. Gold is very significant to the following developing countries:

1986 gold production	
	Ounces Troy
Brazil	1,628,000
Papua New Guinea	754,000
Philippines	843,000
Colombia	600,000
Chile	563,000
Zimbabwe	450,000
Dominican Republic	283,000
Ghana	347,000
Ecuador	350,000
Mexico	233,000
Peru	206,000

Canada and Australia, two of the United States' major trading partners and allies, also count on gold mining as a major segment of their economies. In 1986 these countries will produce 3,389,000 and 1,825,000 ounces of gold, respectively.

In the United States, gold is produced in 14 states with Nevada, South Dakota, California and Montana being the largest producers. However, because of the severely depressed state of base-metal and silver pieces, most major mining companies are losing money on these operations. Many are only able to continue in business because of the profitability of their gold operations. Without gold mining, there would be essentially no mining exploration and development of any critical and strategic minerals.

SOUTH AFRICA'S MINES WILL BE DAMAGED LEAST

Today, South Africa is the lowest-cost gold producer in the world. Its mines would be the least affected by a significant fall in the gold price. Higher-cost mines are located in the U.S., Canada, Australia, and the Philippines and these would be the first to close.

It is likely that a dramatic fall in the gold price would drive the exchange rate for the Rand even lower, further reducing South African mining costs. So, while South Africa could perhaps be injured in the short run by the Foreign Relations Committee's proposal, the long-term effect would most likely benefit South African gold producers who would have little competition left in the world other than perhaps from the Soviet Union.

Conversely, the mining industries and the economies of many Western allies would suffer serious damage, and United States mining may well suffer most of all.

JOHN H. LUTLEY,
Managing Director.

Mr. BAUCUS. Mr. President, I support efforts to delete section 309 from this sanctions bill.

I agree that the time has come for stronger sanctions against South Africa to protest the white minority government's policy of apartheid.

American and international pressure is needed to persuade the South African Government to abandon this abhorrent policy and grant full political, economic, and social equity to all its citizens.

I have little hope that the South African Government will voluntarily enter into meaningful negotiations that will lead to a peaceful end to apartheid. The small steps that the government has taken in the past were in response to international pressure.

Make no mistake about it, I support increased sanctions against South Africa.

And this bill, for the most part, is a good sanctions bill.

But one provision of this bill is illadvised and shortsighted.

Section 309 would grant the President the authority to sell U.S. gold reserves to drive down the world price of gold.

This provision would be ineffective as a sanction and destructive to the U.S. gold mining industry.

South Africa is the lowest cost gold producer in the world. The highest-cost gold producers are located in the United States, Canada, and Australia.

Therefore, lowering the world price of gold would drive U.S. producers and our allies out of business long before it would have significant effect on South Africa.

That's like trying to drive Saudi Arabia out of the oil business by lowering the price of oil.

All that would accomplish is the total destruction of our domestic oil industry.

Section 309 would have a similar effect on the U.S. gold mining industry. Under this provision, the mining industry could be badly damaged.

Many mines that do not mine gold as a primary metal use gold sales to support other mining operations.

Because of the depressed state of the mining industry, these gold sales are often the only profits that keep these operations in business.

It is not difficult to imagine the adverse effects that a drop in gold prices could have on the troubled mining industry.

In my State, gold mining is a growing industry, one of the few growing industries we've got right now.

Now is not the time to turn a gold boom into a gold bust.

But this provision could do just that. I understand that sanctions will require many Americans to make sacrifices.

But these gold-mining companies—companies that do no business in South Africa—are going to pay the highest price. That's not fair.

And it's not smart foreign policy. I ask my colleagues to consider this before voting on this amendment.

Mr. EXON. Mr. President, I have consistently supported the congressional effort to impose sanctions on the racist Government of South Africa. The State of Nebraska was the first State in the Nation to take an official stand against investment in South Africa.

In December of last year, Congress unanimously adopted legislation which I introduced to authorize the minting of American gold coins to directly compete with the South African Kruggerand. Those coins will be available in October.

The availability of American gold bullion coins will provide the world an opportunity to choose American gold over South African gold as a primary source of gold investment.

The existing provision in the committee bill will seriously compromise this report.

I support the amendment of the Senator from South Dakota, not because I represent a gold mining State—I do not—and I support the Senator's amendment not because I oppose sanctions—I support sanctions. I simply want the sanctions package to be effective and I want the American Gold Bullion Coin Act to be successful.

An effort to dump American gold reserves would not only weaken the Federal Government's asset holdings, it would work only to damage the American gold mining industry and the gold mining operations of our democratic allies. It will certainly compromise the efforts of the Treasury Department to market American gold bullion coins.

The Secretary of the Treasury already retains authority to buy and sell gold when it is in the interest of the Nation.

The gold-dumping provisions of the committee bill are counterproductive and will hurt workers in the free world long before it can begin to affect the oppressive South African Government.

I urge my colleagues to support the amendment of the Senator from South Dakota.

Mr. ABDNOR. Mr. President, I rise in strong support of the amendment

offered by my distinguished colleague, Senator PRESSLER, to strike section 309 of the bill S. 2701, the Comprehensive Anti-Apartheid Act of 1986. Section 309 would grant authority to the President to sell U.S. gold stocks to affect the world market price of gold and thereby further the purposes of the act. I am pleased to be a cosponsor of this amendment.

I trust that the reasons for deleting section 309 will be recognized by my colleagues regardless of one's position with respect to imposing sanctions against South Africa.

Those who support section 309 evidently feel that by selling gold reserves of the United States on the world market we would be greatly damaging the economy and Government of South Africa. It is true that the gold mining industry of South Africa accounts for approximately 50 percent of the gold production of the free world, and, according to the South African Chamber of Mines, it employs over 500,000 black and white workers and is the basis for much of the other sectors of that country's economy. Hence, when considering possible economic sanctions against South Africa, the gold resources of South Africa might appear to be an excellent target.

The fact is, Mr. President, that ricochets from shots taken at that target would be far more damaging to the United States and other nations in the free world than they would be to South Africa. On this very point, Robert C. Horton, Director of the U.S. Bureau of Mines, has written, and I quote:

The U.S. Bureau of Mines recently completed a study of 111 of the more significant gold mines in 13 market economy countries. Two major conclusions of this study were:

First. South Africa is by far the largest source of economic gold production. It represents 716 million troy ounces, 87 percent, of the 810 million troy ounces of total recoverable gold available from these 111 operations.

Second. Seventy percent of the total recoverable gold is economic at a cost level of \$300 per troy ounce or less. This gold is available from just 46 operations, 23 of which are in South Africa. Of greater significance, South African mines account for 90 percent of the gold in this cost range.

No other country is as well positioned as is South Africa as regards continued gold mining in the face of lower gold prices. Were the price to decline, South Africa would reverse its course of the last several years, as required by its laws, and mine higher grade ores, largely if not entirely compensating for the reduction in export earnings that would otherwise occur. Most gold mines in other countries, including the United States, would be forced to close. Gold exploration and mining is the last bastion of profitable metal mining operations in the United States. Loss of this industry may cause the United States to lose its pool of metal exploration and development technology, a technology already threatened with extinction.

While some may believe that by reducing the price of gold they are following a course of action that will punish South Africa, they may discover instead they have punished themselves and their friends.

If the price of gold were to be artificially depressed in the world market, a devastating blow would be dealt to the gold mining industry in my home State of South Dakota. Gold mining is not an insignificant industry in South Dakota, believe me. The Homestake mining operation in the Black Hills alone accounts for the employment of 1,350 people, and many thousands more are dependent upon the mine's staying in operation. It pays \$7.5 million annually in State and local taxes. It has an annual payroll of \$40 million. These are extremely significant figures for a sparsely populated State, which otherwise is greatly dependent upon farming and ranching.

When compared to mines in South Africa, Homestake, as well as other mines in the United States, is a high cost producer. It can operate at the current world market price, but Homestake and mines everywhere in the United States would have to shut down if U.S. gold reserves were to be dumped on the world market "to further the purposes of the act."

I wholeheartedly agree with my good friend and colleague from Idaho [Mr. SYMMS] when he says that dumping American gold on the world market for the purpose of damaging South Africa is akin to cutting off our nose to spite our face. I would add that it would be equally logical for our colleagues who represent oil producing states to propose dumping petroleum from our strategic petroleum reserve on the world market in order to pressure Saudi Arabia into joining a Near East peace process.

Mr. President, there is no sound reason for including section 309 in this legislation. I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. LUGAR. I yield myself 3 minutes.

Mr. President, I support the amendment offered by the distinguished Senator from South Dakota. I believe he has marshaled sufficient evidence to be convincing on this question.

It would be the intent of our side to accept the amendment. I will yield shortly so that my distinguished colleague, the ranking minority member of the committee, may speak to the issue on the Democratic side. We are prepared to vote as soon as the Democratic side has been heard.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I appreciate the arguments of the Senator from South Dakota, but I cannot support this amendment. However, at this

point, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time is the quorum call requested?

Mr. PELL. Equally divided, if that is agreeable to the manager.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I think the fair thing would be for this time to be charged to this side of the aisle.

Mr. MURKOWSKI. Mr. President, I support this amendment, of which I am a cosponsor, to strike the provision in the South Africa sanctions bill which would encourage the President to sell United States gold reserves.

This action is intended to hurt South Africa, the largest producer of gold in the world, by lowering the price of gold on world markets. I contend that it will not have the desired affect on South Africa. Instead, it will hurt our own gold industry, that of our allies, and that of U.S. foreign aid recipients who rely on gold as an important export commodity.

In my State of Alaska, as in other mining States, gold is the backbone of our mining industry. The current prices of other commodities such as tin and copper make it uneconomical to mine these minerals, some of which are strategic. It is the high value of gold that keeps the mining industry going today. Without the revenue from gold, most of the mineral companies would not be able to stay in business.

As we know, the price of gold has increased dramatically in anticipation of some action by this body. The actual merits of supply and demand and the fact that the world still trades its exchange officially on the basis of gold causes me deep concern as to just what the Congress of the United States is doing in manipulating the gold reserves and, in effect, the price of gold, as opposed to a free market economy dictating what gold will carry so far as a world price is concerned.

□ 1210

The average cost of production per ounce of gold in this country is \$330. If the price of gold were deliberately forced down in an effort to influence South Africa, it would not be long before our domestic industry, affecting more than 25,000 people, would be severely damaged.

Let me again refer specifically to the significance of the industry in my State of Alaska. There are some 2,200 miners who are directly employed in

the gold mining industry. The sanctions, as I have indicated, would hurt the mining industry nationwide.

In 1985 more than 2,200 people were directly employed in gold mining in Alaska. This number may seem small compared with some industries, but the gold industry is a lifeline to a number of small communities in my State, many of which would be wiped out economically if it wasn't there. While this proposed sanction would hurt the mining industry nationwide, it would have uniquely onerous consequences in Alaska. Our gold mining industry is already struggling due to constraints placed by the Environmental Protection Agency on water quality. Inadequate infrastructure and gold exploration costs make gold mining costs in Alaska 50 to 100 percent higher than in other States. Recently, a new venture, Inspiration Mine, in Nome, AK, was opened at great cost bringing a large dredge over from Singapore and providing 50 to 100 new jobs in a community of 2,000 people. Should the price of gold fall dramatically, as it would if the United States announced sales of reserves, then this new mine would shut down immediately.

I have been advised, Mr. President, that should this amendment fail to pass and indeed the United States should attempt to sell its gold supply that that development could no longer function under artificial prices that might be dictated.

Mr. President, I could go on a great deal and add the effects that this would have on our ally Canada which happens to be the third largest gold producer.

Mr. President, the gold provision in the sanctions bill would backfire on us in another and particularly ironic way. If the price of gold is deliberately lowered, it will not only hurt our industry as it exists today. It also will have an adverse impact on our mining companies' ability to invest in exploration of mineral reserves for the future. In Alaska and other States we have a great resource of critical, strategic minerals which we currently import from South Africa. We should be increasing our exploitation of these crucial minerals in order to reduce our dependence on South Africa for them. That is not going to happen if the mining industries receipts from gold are hurt. Lower the price of gold, and we will limit our ability to reduce our dependence on South African minerals.

Trying to lower the world price of gold, will also have an immediate negative effect on our closest allies. Now South Africa may be the single largest producer of gold in the world, but the third largest producer is Canada. Over 50 communities depend completely on gold mining. Direct employment in the

gold mining sector is 9,500 and an additional 67,000 Canadians are employed in other mining activities which depend on gold output for economic viability. If the price of gold were to decline from its present \$380 to \$200, half of Canada's production would be lost. This would represent a loss of 40,000 jobs, and many Canadian communities would never recover. This would work a particular hardship on isolated communities and native North Americans there, just as it would in Alaska.

I assure you, Mr. President, that Canada is looking at this proposed action by the Senate with a great deal of interest and curiosity.

The curiosity, Mr. President, is based on just what is the motivation that would result in such action being taken and how could it possibly be in the best interests of what the objective of the legislation is?

Obviously, that is to initiate changes in the South African apartheid which we all find reprehensible.

The question is to voluntarily assume that by selling our gold reserves on the market this would somehow address that ill I think is thinking that necessitates further examination.

We have heard already from the Senator from South Dakota the impact anticipated on South Africa.

But, Mr. President, the impact would also move to some of our neighbors. The Philippines, for instance, is one of the largest producers of low-cost, low-grade ore in the world. A drop in the gold price would have a quick and harsh effect on that industry in that country as well.

The impact on Australia might be even greater. In recent years, the Australian economy has suffered as Australia has seen the prices for its commodities tumble on world markets. At present, Australia ranks No. 5 in world gold production, but a number of fortuitous discoveries have led the Australians to harbor hopes of being the number two producer by 1988. Australia's demonstrated resources of gold have increased by over 30 percent in the past 15 months alone. The Australian Government clearly hopes that gold sales toward the end of the decade will pick up the slack for fallen commodity prices and make a significant contribution both to the Australian balance of payments and employment.

I would like to emphasize that at this point the Australian discoveries are just that, discoveries. They are not in production and will not go into production if the world price of gold drops precipitously. Among the American firms with investments in these new Australian discoveries are Reynolds Metals of Richmond, VA, Battle Mountain Gold Co. of Houston, TX, Newmont Mining of New York, AMAX of Connecticut, and ASARCO of New

York. At this point, I ask unanimous consent to have printed in the RECORD an article from the February 12, 1986, issue of *Australian Business* describing these new discoveries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLD RUSH '86

(By Ross Louthean)

The gold rush is on in Western Australia. Last week saw the first gold pour in the Broad Arrow joint venture's mine just north of Kalgoorlie.

And the next day, the Lawlers project further north was gearing up for its first pour. Simultaneously, a promising find was reported by newly listed Julia Mines NL at Station Creek north of Harbour Lights at Leonora.

Broad Arrow provides a neat example of the boom. It is a marriage between two fledgling junior miners which have used speed and technical back-up to get into production quickly. It is 70 per cent owned by HMC Australasia NL and 30 per cent by Electrum NL which used project finance to get going and for insurance have forward sold 40 per cent of initial production.

Broad Arrow this year will join 57 other new mines across the nation producing 43 tonnes of gold in their first full year, in scenes reminiscent of the gold rush days.

The Lawlers mining team has been able to pick up fascinating relics where miners in the early 1900s left picks, other tools, newspapers and bottles in the Great Eastern Mine's stopes which are being exposed or explored by Fersayth geologists.

Even the prospect of a federal gold tax and the miners' warnings of the consequences of it have not diminished enthusiasm.

All this is happening when the gold price is hitting \$US350 plus—its highest level for 18 months. Although Australian investors have not fully benefited because of the recent surge of the dollar against the greenback, the devaluation of the Australian dollar over the past year means miners are still getting about \$500 an ounce in local currency.

The boom, according to brokers J. B. Were and Son, will lead Australia to be producing 100 tonnes of gold by the end of next year—a far cry from the 18 tonnes it produced in 1981.

Estimates for 1985 production range from 45 to 55 tonnes and reliable reports suggest that already by the end of this month production will be running at 60 tonnes a year rated capacity.

The latest available authoritative figures for the non-communist world from Consolidated Gold Fields show that in 1984 Australia produced 39 tonnes, Brazil 55, the US 71, Canada 81, South Africa 683. With civil unrest in South Africa and with politics in the Middle East ever volatile, some investors look to gold as something of a panic button to press in times of crisis but a broad section of institutions and individuals believe it prudent to hold some gold as an anchor in any well diversified portfolio.

South Africa gold producers may well be mining at lower margins than previously but it is believed they hold up to nine months of stocks to be moved to market at will.

J. B. Were's gold analyst Howard Walker, just returned from a world tour which included South Africa, says South Africa's gold mining could take a sharp downturn

after 1990 even without the growing unrest among the black community.

This is because production is outpacing replenishment of ore reserves, mining is going deeper which is more costly and some future mines are in areas earlier ignored because of poor ground conditions, grades or other factors.

Even the near term could bring changes to the South African mining scene which in 1985 produced 678 tonnes of gold—nearly 60 per cent of Western world output—and Walker points to the largely-unheralded possibility of a white miners strike looming over government-management plans to end some restrictions (color) on job supervision.

Walker adds that any disruption to South African production will have international investors topping up their Australian gold holdings.

The accompanying table gives estimates for production from mines born in 1986, based on company estimates and calculations made by Resource Information Unit in Perth on available information.

They show that, excluding Pajingo (see below) and the expected mines for 1987 (including the massive Boddington, Big Bell, reactivating of the old Bayleys, Davyhurst Wiluna and Childe Harold in WA; Starra, Tregoorra and Zelma in Queensland; Temora in NSW and Walthalla in Victoria), mines initiated in 1986 will boost national output in their first months operating by about 40 per cent.

A staggering 43 tonnes of gold could be contributed by the mines on the list in their first full year and in 1986 they could add 17.4 tonnes.

The latest *Australian Business* survey shows that, though Western Australia is producing the lion's share of Australia's increased capacity, northern Queensland gold provinces will start to show their wares and rapidly become a clear second-placed producer.

Our survey does not take into consideration the increased production by existing mines, such as the steady increase at Telfer in WA's Pilbara which could see this Newmont-BHP mine regain the mantle from Queensland's kidston as Australia's biggest single mine. Nor does it take in the many alluvial and other price-sensitive operations that could start or be rekindled if the latest gold price surge is sustained.

Conversely, the study does not take account of the elimination of 1985 mines where ore reserves petered out and where new mines are only providing supplementary ore at the mill—such as Orion at Kambalda, WA and satellite mines around Tennant Creek for Australian Development's Nobles Nob mill.

Most of the major mines coming on stream in 1986 were put in the advanced development mode by mid-1985. They illustrate the speed—compared to base metal mines—with which gold mines can be brought on stream, through such facilities as transportable treatment plants, such modern techniques as "carbon-in-pulp", "carbon-in-leach" and "heap leaching" and financing through gold loans and forward selling of production.

Most mine development in Western Australia takes place on Crown Land and, unlike Victoria and NSW, there are no bureaucratic walls or overbearing regulations from other departments to stultify progress.

Queensland has the opportunity through its exciting northern discoveries also to surpass Victoria by the 1990s and this should come from projects such as Pajingo, Red

Dome, Starra, Mt Leyshon and the guaranteed longer life for Kidston through the outlining of extra reserves.

Pajingo is undoubtedly the wild card for this year, not only because a clearer picture of its potential should be made known but also because it might just get into production by the end of the year and this should herald a big new Australian gold float.

Pajingo, about 70 km south of Charters Towers, is owned by America's Battle Mountain Gold Co (BMGC), sponsored by the oil giant Pennzoll which originally owned Duval Mining (Australia)—now a BMGC subsidiary, which discovered Pajingo in late 1984.

Battle Mountain has set up Pajingo Gold Mine Pty Ltd to operate the Pajingo prospect and, following the rich early drill intersections on the Janet A Lode, the company sank at least \$1 million into this zone in 1985.

A Battle Mountain board meeting in the U.S. on January 28 will consider these drill results and make the important decision on whether to put the project into mine feasibility mode or whether to continue drilling (probably on neighboring targets to Janet A) to provide extra reserves. Like most majors, BMGC would be looking for at least one million ounces of gold recoverable for starters.

The American company has undertaken spadework on how to tackle the political side of the Australian corporate minefield and preliminary discussions at least have taken place with major brokers on "Australianising" the discovery through a local float. Potential investors could include the countless mining companies which unsuccessfully tried to woo the Battle Mountain group for project equity. Another big corporate move this year will be what option the Canadian-based Placer will take on shedding a further 15 percent equity in the Kidston project.

Placer may opt for another big Australian float that would not only take in the slice of Kidston but also the company's share of Porgera and Misima in Papua New Guinea and the right to a half interest in Big Bell in WA—a massive Mt Charlotte-style underground mine earmarked for the late 1980s but sensitive to Canberra's penchant for a gold tax.

WESTERN AUSTRALIA

Some of the big mines for the rest of the decade include Boddington in WA's southwest, an \$80 million project to come on stream in early 1978 and expected to yield annually about 165,000 oz of gold (about 5.1 tonnes).

Boddington is well away from the West's traditional goldfields, and is held by the Worsley alumina partners Reynolds Australia, Shell, BHP and Kobe Alumina Associates.

The introduction of Boddington will make BHP one of the big Australian gold producers as it already holds 40 percent of Telfer and is mining at Ora Banda, WA.

It is difficult to provide reasonably accurate production figures for big mines of the later 1980s but Big Bell could produce 3.6t of gold pa from 1987-88; Temora in NSW (still deliberating on CIP or heap leaching alternatives) could be producing 1.26t gold and 1.81 silver pa from 1987-1988; South Australia's massive Olympic Dam (Roxby Downs) is anticipating milling 500,000 tpa of 5 g/t predominantly gold ore for 45,000 oz (1.3t); others include the Asarco-Metramin Minerals joint venture at Wiluna, WA, and Coronation Hill in NT (a joint venture be-

tween BHP, Noranda Pacific and EZ) where there is also intriguing platinum mineralisation.

Other big mines in the making are Mineral Hill in NSW (managed by Elf Aquitaine Triako Mines); Starra and other deposits in the Selwyn area of Queensland; and re-opening of the Waihalia mining centre in Victoria by Waihalia Mining Co.

Leading WA's new great leap forward are Mt Pleasant (anticipated 2.86t in year one), Emu (1.68t), Mt Gibson (1.39t), New Celebration (1.31t), North Morning Star open cut (0.94t) and Lawlers (0.91t).

These projects alone have sunk more than \$100 million in new capital investment, boosting WA engineering and mining service companies which less than four years ago were reeling from the false resource boom and postponed development of the second North West Shelf platform.

It has enormous scope in both the Western Tenements (Southern Resources 30 per cent, Technomin NL 25 per cent, Square Gold & Minerals 25 per cent, Mt Pleasant Gold Trust 12.5 per cent and Geometals 7.5 per cent) where mine planning is for a November-December gold pour and also in the less advanced Eastern Tenements (Southern Resources 60 per cent, MPGT 25 per cent, Geometals 15 per cent).

Phase one mining involves a "Rolls-Royce" mill of between 500,000 and 600,000 tonnes a year capacity, open cutting of the Golden Kilometer orebody, then—at optimum pit depth—declining into lower ore and also underground mining of the neighboring Southern Area zone via a crosscut.

Mt Gibson will provide the Wubin-Dalwallinu district on the border between WA's north central wheatbelt and pastoral country with new adrenalin.

Like Queensland's Kidston, the mine grade at Mt Gibson will decrease as the pit deepens but Forsyth-Reynolds will more than compensate by increasing mill capacity progressively up to 700,000 tpa.

This major development is financed and being developed by Forsyth NL as a 50 per cent farm-in from Reynolds Australia, subsidiary of the US aluminium giant. Reynolds is a partner in the Worsley alumina project and has another megabuck commitment later in the 1980s with the Boddington gold mine.

Forsyth, which is emerging not only as a new wave gold miner but also a diverse resource house, will get an earlier return from the 100 per cent-owned Lawlers gold mine south of Agnew.

The good performing Metana Minerals will bring in the Morning Star North open cut, neighboring Hill 50 Gold Mine NL's Morning Star underground mine. Metana's ambition is apparently to get payback of the new mill within 18 months and to prove up greater reserves at depth.

Lady Bountiful, just north of Mt Pleasant and an equal joint venture between WMC and Consolidated Exploration, will tap some rich but irregular targets and involve open pitting and later underground mining.

Australian Consolidated Minerals, which is to be an expanded new mining house through the absorption of the Amax-controlled Austamax Resources Ltd, has an interesting competition . . . which of its two mines, Golden Crown near Cor or Edna May at Westonina in the eastern wheatbelt, will pour gold first in the second quarter.

Golden Crown is a rich underground resource in ACM's favorite hunting ground in the Murchison Goldfield and Edna May, by contrast, will be an open cast mine in the

initial years at least. Collectively, they will help ACM fund further exploration on the highly prospective Great Fingall Dyke and for the commitment to the large Big Bell mine.

The conservative gold mining leader in the West, WMC, is opening up the Orion Mine within 500 metres of the Victory-Defiance and this illustrates just how effective Western Mining has been as an explorer at Kambalda where the gold mill is treating about 820,000 tpa of ore—well above its design capacity.

WMC is also advancing the Revenge discovery out on Lake Lefroy and this will be an ambitious underground operation that will test the company's excellent mining engineering record and could be on stream by early 1987.

The Mt Percy project in Kalgoorlie was probably the fastest big mine produced in the West, taking less than a year to advance from a concept to gold output once Alan Bond took the helm.

A new mine along the now large Mt Percy open pit, taking in the Far East Porphyry and Mystery North finds, should be opened up this year and Mt Percy's mill capacity could go to more than 500,000 tpa to accommodate this.

Some of the smaller mines in WA will blood new companies. These include Coolgardie Gold NL with its Greenfields discovery near Clackline Refractories' Three Mile Hill find.

This will probably involve vat leaching and provide Coolgardie Gold with the opportunity to get into other developments closer to Coolgardie, including re-opening of the famous Bayleys Reward lease.

Clackline Refractories will open up the Montague at Sandstone and this will provide cashflow to continue elucidating Three Mile Hill's potential.

Delta Gold will start a mine at the famous old Kanowna centre near Kalgoorlie and WMC could start up the nearby Six Mile Hill find.

QUEENSLAND

New mining operations coming on stream in the State this year should produce more than six tonnes of gold in their first full operating year.

Red Dome, 200km north of Kidston, with an open-pittable resource of about 9 million tonnes averaging 2.35 g/t, will be the main new producer.

The Elders Resources board is meeting on January 30 and 31 to take final decisions on the project's timing and production route but it is understood that a heap-leaching operation, the biggest in Australia, is recommended for at least initial production.

If first gold were poured in November, the fairly conservative target being suggested last week, Red Dome would produce about 50,000 ounces in its first year. But it has the potential, if a CIP plant is added, at least to double that output.

Elders Resources is also earning a 25 per cent stake from Cyprus Minerals Australia in what is shaping as another top-class Queensland project—the Selwyn properties, south-east of Mt Isa.

A resource of 7.2 million tonnes grading 5 g/t has been established in the Starra area of the joint venture and drilling to prove up larger reserves will continue throughout 1986 and probably 1987.

Mt Leyshon—another large, low-grade heap-leaching operation in the north of the State—will begin production in October, at

an initial annual rate of 34,000 oz with enough plant capacity to build up to 50,000.

The other Queensland projects which are definite starters this year—Horn Island, the Golden Plateau hardrock prospect at Cracow, Lucky Break near Clermont, Croydon—are in the 20,000 to 30,000 oz a year bracket.

NORTHERN TERRITORY

New NT mines will outstrip new Queensland production by about two tonnes during their first 12 months of operation because of rich but short-lived operations such as TC8, Argo and Rising Sun West.

The production and exploration scene in the Territory is more buoyant than at any time since the early 1970s.

TC8 and Argo, both underground mines, temporarily will be the largest two projects in the Territory but both are likely to be exhausted inside two years.

Symptomatic of the most pressing problem for NT miners and explorers is the emergence of the Granites project three years after agreement was reached with traditional Aboriginal owners and 11 years after negotiations started.

First gold will be poured in August and during 1987, when the optimum annual production rate of 65,000 oz is achieved, Granites will move ahead of Pine Creek which was commissioned late last year and is the Top End's largest goldmine.

NSW

Three smaller NSW operations—Hill End, Cowarra Creek and West Wyalong—will come on this year, with Paragon Resources' Temora project in the south of the State likely to start production at a minimum 20,000 oz a year early in 1987.

The nearby Dobroyde, one of the Getty Oil mineral properties acquired by Little River Goldfields last year and expected to be floated soon in Unimin NL, may also be developed next year.

VICTORIA

Despite the State's predominantly narrow reef orebodies and narrowminded governmental attitudes to mining, the new gold boom has not completely passed it by.

Several small projects are to start this year, Walhalla Mining Co's Walhalla project is a strong possibility for next year, Ballarat Goldfields' Ballarat East is looking increasingly promising for the longer term and exploration is busier than for at least the past five years.

SOUTH AUSTRALIA

South Australia's massive Roxby Downs uranium/copper deposit will also be an important gold producer in the late 1980s.

Mining of higher-grade gold zones will kick the project off next year with annual gold output doubling to 90,000 oz once mining of the main orebody begins.

TASMANIA

Hellyer, in north-western Tasmania, is another large polymetallic orebody made viable by its gold content at a time of depressed base metal markets.

Aberfoyle begins trial mining at Hellyer in mid-year.

Full-scale production, with about 36,000 oz annual gold output, is not due until 1989.

Mr. MURKOWSKI. Now, what would be the impact on South Africa?

There are two major gold producing countries in the world that have average gold producing cost of less than \$200 per ounce. They are South Africa and the Soviet Union. South Africa's

gold production costs were \$139 per ounce last year. Average gold production costs in the United States are \$330 per ounce. Moreover, South Africa is protected from long-term damage to its gold industry in event of a drop in the price of gold in several ways. One protection is that under the economic inequities of apartheid, they can pay their miners relatively low wages—even though these wages have been rising recently.

More significant, however, is the kind of flexibility South Africa has because of the availability of both very high grade and low grade gold ore in their country. When the price of gold is high, the South Africans can mine the more expensive low grade ore. Should the price of gold fall, they are able to turn to high grade ore which lowers their costs of production.

The country with the lowest grade ore and highest gold production costs, \$340 per ounce, is the Philippines. A drop in the price of gold would have a quick and harsh affect not only on our domestic industry, but it would also deprive the Philippines of one of the only means it has to help itself out of its economic troubles. At a time when we are scraping to find foreign assistance funds to support the new democracy in the Philippines, it just doesn't make sense. And the decline in price would affect the Philippines first, long before the industry in South Africa—which because of its low production costs would be affected last. So, if this measure goes into effect, South Africa could sit back and wait for its competitors on the world market to go out of business.

While other Third World producers may have a small percentage of the world market, a decline in the price of gold would have an even larger impact on them. For example, gold sales are important contributions to the balance of payments of Papua New Guinea and the Dominican Republic, both of whom are recipients of U.S. foreign assistance. If the receipts from their gold sales are cut, they will be looking for additional U.S. foreign aid.

I ask unanimous consent to have printed in the RECORD a table provided by the Gold Institute listing countries that would be adversely affected by this provision.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACT OF GOLD SANCTIONS PROPOSED BY U.S. SENATE FOREIGN RELATIONS COMMITTEE

The proposal to authorize the dumping of gold, to drive down the gold price, has serious consequences for many completely innocent parties.

Gold Producing Countries [Percentage of World Gold Production 1986]

	Percent
(1) Australia, Brazil, Canada, and the United States	20

(2) Fifty other smaller producing countries	13
Total	33
(3) South Africa	44.50
(4) China	4.50
(5) Soviet Union	18.00
Total	100.00

In attempting to penalize South Africa, the 33 percent of world gold producers, represented by the first two categories, will be badly damaged.

In the case of certain small countries, where gold production is a significant part of their G.N.P. and their foreign exchange earnings, this action could spell economic disaster. Gold is very significant to:

[In millions of dollars]

	1986 gold production ounces troy	1984 exports	Gold value ¹ as percentage of exports
Papua New Guinea	754,000	\$891	30
Philippines	843,000	5,273	6
Colombia	600,000	3,461	6
Chile	563,000	3,657	5
Zimbabwe	450,000	1,154	14
Dominican Republic	283,000	868	11
Ghana	347,000	559	22
Ecuador	350,000	2,583	5
Mexico	233,000	24,400	
Peru	206,000	3,147	2
As well as:			
United States	3,296,000	217,890	
Canada	3,389,000	90,291	1
Australia	1,825,000	23,994	3
Brazil	1,628,000	27,000	2

¹ At \$350 per ounce.

Mr. MURKOWSKI. Mr. President, it would also require additional pressures on our foreign assistance, because these countries obviously would not have the value of their gold reserves in relationship to what they are in a free market level.

Where will we get the funds for additional foreign aid to these countries? With the current demands on the foreign assistance budget and the possible additional requests from the "front line" African states who are already being hurt by South African retaliation for sanctions imposed by the British Commonwealth, frankly, I don't see where we will.

Beyond all this, there is the question of how responsible it is for us to be suggesting a deliberate disruption of the world's commodity markets. This kind of thing can easily backfire. The United States holds 289 million ounces of gold in reserve, more than a quarter of the reserves held by all International Monetary Fund countries combined. If the U.S. Government decided to sell our reserves for a political reason, it would shake the confidence of individual holders of gold and traders in a number of other commodities linked to the price of gold. Nobody knows what kind of effect this kind of manipulation could have, and nobody can be sure that it would not lead to a crisis in the entire financial system.

Mr. President, the policy outlined in section 309 is seriously flawed and

should not be part of any sanctions bill passed by this body. I urge my colleagues to vote for the amendment to remove this provision.

I thank the chairman of the Foreign Relations Committee and thank my colleague, the Senator from South Dakota, and again, Mr. President, I would urge that the reflection on any artificial pressures on the basic medium of exchange between countries, gold, by the Congress of the United States is not only inappropriate but has grave dangers with regard to the financial stability of the various countries of the world that depend on the supply of gold to back up their internal exchange and trading.

I thank the chairman for the opportunity to speak on behalf of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield such time as he may need to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in opposition to the amendment offered by the Senator from South Dakota.

Mr. President, the President of the United States has the authority to sell gold if he so chooses. He has that authority under current law. He will have that authority whether this amendment passes or fails.

When the Foreign Relations Committee met, it placed this amendment in the bill as a way of sending a signal to South Africa that if it did not change its policy of apartheid it was the sense of this Senate that the President should consider the sale of gold in order to bring pressure to bear on South Africa.

Mr. President, exports account for about one-quarter of South Africa's GNP. Gold accounts for nearly half of South Africa's exports.

It is a significant, in fact, the dominant means by which South Africa obtains foreign exchange.

Tax and lease payments on gold in South Africa financed 15 percent of the South African Government revenues domestically.

So, the sale of gold and the export of gold and revenues from the leasing of gold mines generate significant economic benefits for South Africa.

Mr. President, an announcement that the United States might even be intending to sell gold would depress prices, would squeeze South Africa's economy and would let the South African Government know that we are serious about bringing pressure to bear on them to change their policy of apartheid.

It is clearly the most effective weapon that we could use in order to bring economic pressure on South Africa.

□ 1220

If prices drop, they would have much less revenue from exports. If prices drop, they would have much less revenue to finance their domestic budget. It would be real pressure on the Government of South Africa.

Mr. President, there is another advantage in the message that the United States Government might sell some of its gold and that is a message not only to South Africa but to the Soviet Union, a large exporter of gold. It would say to the Soviet Union that they would have less foreign exchange to pursue their objectives abroad, whether it is aiding Third World revolution or propping up their empire in Eastern Europe.

Mr. President, this policy of considering the sale of gold would also raise revenue for the Federal Government and help reduce the Federal deficit.

So, Mr. President, I was going to offer, and I still have a possibility, an amendment that would make the sale of gold even more possible. I think the least we should do is to reject this amendment. This was adopted in the Foreign Relations Committee in order to send a signal to South Africa. Mr. President, if we accept the amendment of the Senator from South Dakota, that will mean there will be less pressure on the Government of South Africa to moderate its apartheid policies, to end its apartheid policies. It will mean we will have less pressure on the Soviet Union to end Third World revolutions. And it will mean we will have a higher budget deficit than we otherwise would have if we were willing to sell some gold.

So, Mr. President, I urge rejection of this amendment that attempts to reverse the position taken by the Foreign Relations Committee.

I also ask, Mr. President, for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Indiana has 20 minutes and 43 seconds, and the Senator from South Dakota has 4 minutes and 55 seconds.

Mr. LUGAR. Is there a further requirement for time?

Mr. PRESSLER. Mr. President, I will use my 4 minutes to, in conclusion, state that I think that our budgetary deficit will be much higher if we destroy our domestic gold industry and lose the taxes that it pays. I do not think that anyone in our financial or banking institutions is in agreement that the President selling our gold

would be a positive thing for our economy.

We do not even know with certainty what the impact of the President selling gold would be. The last time the President sold gold, the price of gold inched upward.

So what we have here is an amendment which authorizes the President to sell gold, although he already has that authority. I should emphasize that. By putting it in here, we are urging him to do it in the context of South Africa. The statistics prove South Africa would be the last country hurt. The United States and its allies would be the first hurt. And all of this is based on the premise that ultimately this would help to end apartheid, which I think is a false assumption.

Mr. President, I am prepared to vote. We have a large number of cosponsors. We have talked with each Senator's office on this. I think that, if logic prevails, this amendment should be adopted.

Mr. PELL. I yield 2 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I am prepared to go to a vote. I would just like to make one final comment. This amendment and the bill does not say "sell gold." It preserves the option of selling gold. And the amendment was placed in the markup of the Foreign Relations Committee in order to send a message that it is the sense of the Senate that we should preserve that option. If we are serious about ending apartheid, we have to preserve all of our options, certainly one that would bring the most economic pressure to bear on the Government of South Africa.

Mr. PELL. Mr. President, I have listened to the arguments, pro and con. Maybe my judgment is a little affected by the fact that I represent a State that is a consuming State. We call ourselves "the jewelry capital of America." Half the jewelry of America is made in our State. Our interests, obviously, would be better served by seeing the price come down a certain amount, while the producing States would naturally like the price to go up.

If this amendment had any effect, one way or another, if passed, it would keep the price up. I am inclined to agree with other arguments that have been made by the Senator from New Jersey, so I will be voting in opposition to the amendment.

Mr. PRESSLER. Mr. President, I should emphasize, that this bill does not change the President's current authority. Whether this amendment stands or falls, the President's authority in this area will remain. It is very inappropriate to restate it in this bill because it will produce exactly the opposite of the intended effect. It would

also wreak havoc in our domestic money system and mining industry.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator from South Dakota yield back the balance of his time?

Mr. PRESSLER. I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota [Mr. PRESSLER].

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—58

Abdnor	Garn	Melcher
Andrews	Gore	Mitchell
Armstrong	Gorton	Murkowski
Baucus	Gramm	Nickles
Bingaman	Grassley	Pressler
Boren	Harkin	Quayle
Boschwitz	Hatch	Roth
Broyhill	Hatfield	Rudman
Bumpers	Hawkins	Simpson
Burdick	Hecht	Stafford
Cochran	Heflin	Stennis
Danforth	Helms	Stevens
DeConcini	Humphrey	Symms
Denton	Kassebaum	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Mattingly	Wilson
Exon	McClure	
Ford	McConnell	

NAYS—41

Bentsen	Heinz	Nunn
Biden	Hollings	Packwood
Bradley	Inouye	Pell
Byrd	Johnston	Proxmire
Chafee	Kasten	Pryor
Chiles	Kennedy	Riegle
Cohen	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
D'Amato	Leahy	Sasser
Dixon	Levin	Simon
Dodd	Mathias	Specter
Evans	Matsunaga	Weicker
Glenn	Metzenbaum	Zorinsky
Hart	Moynihan	

NOT VOTING—1

Goldwater

So the amendment (No. 2693) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2733

(Purpose: To prohibit the import of goods marketed or exported by South African parastatal organizations)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd] proposes an amendment numbered 2733.

Mr. DODD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, line 26, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by"

Mr. PELL. Mr. President, I yield as much time as he may need to the Senator from Connecticut.

Mr. DODD. Mr. President, may I ask what time we have on this amendment?

The PRESIDING OFFICER. Each side has 30 minutes.

Mr. DODD. I thank the Chair very much.

Mr. President, for the benefit of my colleagues, I have a statement which I shall address to the general provisions of the bill before us; then I shall focus specifically on the amendment which I have offered.

First, Mr. President, let me once again compliment our distinguished chairman. He has had a busy week here, the last 2 days dealing with Central America and apparently, the next 2 days he will be equally busy dealing with South Africa. He has shown great patience and tremendous ability, as he has always done.

He did a masterful job, Mr. President, I should tell my colleagues, in fashioning a piece of legislation that we sent out of our committee on a vote of 15 to 2. That, I think, demonstrated its strong bipartisan support. It was stronger than some Members wanted, not strong enough for others, but nevertheless, it is a well-fashioned, well-crafted piece of legislation. What I intend to do shortly is offer a small amendment to that that I think will lend it some improvement. At the moment, I wish to address the overall issue.

I think we are all aware of the fact that there is a worsening national emergency in South Africa. No one would question that or doubt that. Recently expanded security laws have granted the South African police and military sweeping powers to use force against groups and individuals. Since the current state of emergency was imposed, some 160 people have been killed and over 4,000 detained. During preceding months, the earlier state of emergency brought some 900 deaths and 8,000 arrests before it ended.

There is a level of violence, pain, and death in South Africa today which is intolerable, and it is the violence, pain, and death of the apartheid system.

Apartheid is the highest expression of bigotry and of man's capacity to be indifferent to the fate of his fellow man. Under the apartheid system, blacks are stripped of fundamental civil and political liberties. Under the apartheid regime, blacks are told where they may live, where they may work, and with whom they may associate. And, under the law of apartheid, blacks are denied the right to own land or to hold citizenship in their country of birth. Mr. President, our contribution—no matter how indirect—to the maintenance of this repugnant system must come to an end. That is the principle upon which we must act here today, and that must be our goal.

Yet, even at this late date, the President's recent statements remind us that there are those who say that the blacks in South Africa can wait; that justice will come in its own time; that our strategic and geopolitical interests in the southern African region outweigh moral imperatives and political values; and that we in the United States ought to advise those who have been abused, exploited, and exiled to have faith in their oppressors' good intentions.

I reject such advice and counsel. I reject it because in good conscience we cannot ask the blacks of South Africa to wait any longer. I reject it because we know the South African Government is determined to perpetuate its system of racial injustice and to feed off the suffering and misery that system imposes on the black majority of that country. Further, Mr. President, I reject it because we have something better to offer the people of South Africa than our investment dollars and our technological know-how.

□ 1300

With an historical record such as ours, Mr. President, replete with visionaries, revolutionaries, and radical reformers, I am frankly puzzled by the advice of these Americans who would place the United States among the patient and wishful, among the quiet and the passive who can only slow, but not stop, the march of progress in South Africa. Their thinking will no more benefit the blacks of South Africa than it would have benefited the blacks in this country, and those who marched in Selma and elsewhere at the head of the great civil rights movement that swept this country in the 1960's.

Recalling the events of that time, I would like to share with my colleagues the words of Dr. Martin Luther King, who during that particular period of strife penned a letter from his prison

cell, which I think is particularly poignant in the debate we are sharing today. Dr. King wrote from that prison cell these words:

Actually time is itself neutral. It can be used either destructively or constructively. More and more I feel that the people of ill-will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people, but for the appalling silence of the good people.

Mr. President, we have a choice here today, and I think Dr. King frames that choice quite properly. It is a choice between looking the South African Government in the eye and saying "We will do everything in our power to impel you to accept the judgment of your own people and of the people of the world;" or embracing an insidious silence—a silence we know as the policy of "constructive engagement."

Let there be no doubts as to what such silence means. It means continuing to pump dollars, energy, and expertise into a racist, elitist economic system. It means continuing to finance an apparatus of repression and state violence. And it means placing our faith in Pretoria's dubious promises when our own history tells us radical change does not happen without the compelling force of those who will no longer tolerate their condition. And it is regrettable that the administration does not recognize its guilt in maintaining that silence, a silence which can only ally itself with the people of ill-will; which can only be the friend of exploitation, abuse, and inhumanity.

Mr. President, the administration does not begin its understanding of the South African tragedy with a recognition of the struggle of the oppressed against the oppressor. Rather, with an unbelievable turn of illogic, the administration has come to treat the South African Government and the policy of apartheid as separate entities—one as a trusted friend, the other as a manageable foe. And it is from such a judgment that emerges a policy both ineffective against apartheid and frankly, "nauseating" to many of that system's victims.

It is a policy not based on the moral outrage of the human compassion which should determine U.S. posture. Rather, it compares the benefits of order with the costs of disorder. It weights the profit of commerce against the price of change. And most disturbingly, it equates the fears of whites who stand to lose valuable property with the fears of blacks who face continuing generations of oppression, deprivation, and disenfranchisement.

It is a policy which is both immoral and unacceptable. The American people, the overwhelming majority of the American people, and our own consciences would have us do more

today for the people of South Africa, and the measure before us is the way to do it. Keep in mind that the sanctions imposed by the President during the last year had meaningful impact. They had an impact on the pass laws, which have been abolished; on funding for black education, which has increased sevenfold in the last year; and on restrictions on private life such as the intermarriage laws, which now have been lifted, I would argue, because the President imposed sanctions a year ago.

I would like to believe, as I believe most of us would, that the South African Government made those changes because they thought it was right. But frankly, Mr. President, I do not believe that any more than any one else in this Chamber or in this country. The Pretoria regime made those changes because the President of the United States imposed a number of economic sanctions and that message got through.

Mr. President, it is time for another message, a stronger message that breaks and rejects that inexcusable silence the administration would have us maintain. That message is in the bill before us. This bill both incorporates the sanctions of the President's Executive order and extends their scope even further. But, it is important to note, it emphasizes specifically and meticulously those sanctions most detrimental to the white regime, not the overall South African economy. Thus, the bill prohibits the importation of articles produced by South African Government-owned or controlled organizations. It bars U.S. bank loans to the Pretoria government or any entity under its control. It forbids American companies from making any new investments in South Africa. And, Mr. President, it revokes United States landing rights of all South African airliners.

This bill, however, was nurtured not on hostility or hate but on hope. It sets goals for the South African Government which, if achieved, could earn back our trust and our respect. It requires among other things a lifting of the current state of emergency, the release of ANC leader Nelson Mandela, and concrete steps toward the dismantling of the system of apartheid.

I sincerely hope these goals will be reached and reached soon. They would represent important steps in the right direction and signal the South African Government's willingness to change course and pursue the path toward reform.

But until that happens, Mr. President, it is incumbent upon us to pursue the course charted by the legislation before us. I urge my colleagues to give it their overwhelming support, and to impose strong sanctions on the Government of South Africa.

Mr. President, those are my general views on the subject matter. I have placed before us an amendment on which I would now like to spend a few minutes.

Mr. President, I ask how much time remains of my 30 minutes?

The PRESIDING OFFICER. Eighteen minutes.

Mr. DODD. Mr. President, let me briefly describe the specific amendment that I offer. Section 303 of the bill which we are now considering would prohibit the importation of articles grown, produce, or manufactured by South African parastatal organizations. Now, we have decided in that section of the bill, section 303, that it is a worthwhile sanction to have a ban on the importation of those articles that are produced by those governmental organizations. What we have failed to do, however, despite putting those sanctions on manufacturing, is to leave what I think is a gaping loop-hole in that particular section, and that is in its application to companies involved in marketing and exporting.

□ 1310

This provision was included in the bill because the vast majority of those employed by the South African parastatals are Afrikaners, which, I point out to my colleagues, is the group which forms the political base of support for President Botha's ruling national party. There is a direct linkage.

By prohibiting the imports from South African parastatals, we not only can make an important segment of the white minority in that country feel the sting of sanctions, since that is our purpose here today, but also, it will convey the seriousness of our call for an end to apartheid.

I commend the chairman and the bipartisan committee of Republicans and Democrats that supported that section.

If this provision, however, is to have the maximum political effect, it should extend to all parastatals, not merely those that are producers.

The amendment would strengthen that provision in the bill, a good provision. It would strengthen it further by extending it to South African parastatals that are engaged in marketing or exporting.

It is a necessary amendment, because the provision as now written would allow the South African Government to circumvent the prohibition by shifting state control and negating the effect of this provision in the bill.

The argument that will come back—and it is an argument with merit—is that if you add a provision here on marketing and banning the exporting of those goods to this country, there very well may be reprisals; that the South African Government may decide to put a ban on American-pro-

duced goods that we would like to sell in South Africa.

There has been some evidence of this already. The Government of Canada has imposed sanctions on South Africa that include the prohibition on importation of goods from South Africa to Canada. There are those who will argue that Canada has paid a price for that, given the quantity of wheat they have been able to sell in South Africa.

Mr. President, I suggest that if that is going to be the litmus test for every amendment offered, or for the provisions in the bill, we might as well abandon the sanctions idea altogether—and I know there are those here who favor that we do that. But here we are taking strong economic steps against the Government of South Africa. Most of all, we should be aware that in taking those steps, we in this country may feel some economic hardship.

It would be ludicrous for anyone to stand here and offer an amendment which imposes an economic hardship on South Africa in order to get them to change the policy of apartheid and try to convince our colleagues that there will never be any reciprocal action by South Africa toward us. I understand that and accept that. But I also believe that if Canada had the willingness and courage to impose a complete prohibition on these items, that if other nations around the globe do the same, including ourselves, it will have a very significant impact on South Africa and the policy of apartheid.

Mr. President, I urge the adoption of this amendment.

I tell my colleagues that in the absence of this particular provision, section 303, no matter how well-intended, loses any real meaning at all. In the absence of marketing and exporting language in that particular section, it is a very easy matter indeed for the South Africans to move around it and continue business as usual.

Mr. President, I reserve the remainder of me time.

I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1320

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield 10 minutes off the bill to the distinguished Senator from Missouri for a statement on the legislation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, to Americans, and indeed to people throughout the world, our vote on sanctions against South Africa is symbolic of the stand for or against apartheid. This is an instance in which symbolism eclipses practicality. Sanctions almost certainly will have no practical effect on the racist policies of South Africa, yet it is important for Congress to make a clear statement against racism. Because apartheid is the antithesis of the most cherished moral principles that bind us together as Americans, this Senator has no hesitation at all in voting for sanctions.

To me, the fact that we will be voting against apartheid is vastly more important than the precise form the sanctions take. Indeed, because sanctions are of more symbolic than practical consequence, I regret the bickering that has gone on about the details of the sanction package. This bickering seems to me an example of senatorial one-upmanship which obscures what should be a clear consensus against apartheid. At this point, the strongest statement we could make would be an overwhelming vote for the bill reported by the Foreign Relations Committee without long preliminary quibbling about the fine points of the legislation.

Our message should be simple and clear, not complex and obscure: In the eyes of our country, the Republic of South Africa is an international pariah.

Economic sanctions are the symbol we have chosen for our statement against apartheid. That is where we are in this debate. We are past the point of selecting other symbols, though to my mind they would have been preferable. We could have downgraded diplomatic relations with South Africa; we could have further limited the participation of South African athletes in our own sports events; we could have prohibited cultural exchanges between our countries; or we could have invited the leaders of South Africa's black, colored, and Asian community to the United States to meet with the President and Members of Congress. Instead, we selected economic sanctions as our symbol. I regret that selection, and I am concerned that economic sanctions have become the standard for symbolic statements against other countries.

This is not the first time America has used economic sanctions in order to make statements against the actions of others. When the Soviet Union invaded Afghanistan, we imposed a grain embargo. As a result, the Soviets still occupy Afghanistan while American farmers have lost world markets. Similarly, more than two dec-

ades of sanctions have not persuaded Cuba to remove its troops from Angola. Nor have sanctions mended the ways of Qadhafi in Libya or Khomeini in Iran.

The repeated failure of sanctions has not dampened the ardor of their advocates. Last Saturday, the Senator from New York [Mr. MOYNIHAN] argued quite forcefully for an end to subsidized sales or transfers of goods to totalitarian countries. A number of Senators have suggested that we suspend most-favored-nation status with Romania on the ground that that country practices religious persecution against its citizens.

Perhaps other Senators have better memory than I. I can recall no instance in which economic sanctions have brought about their intended results. I can recall occasions when they have backfired against our own people.

I cannot conceive of South Africa repenting of its racist policies because we impose sanctions. I can predict black South Africans losing jobs and opportunities in consequence of our actions. I can conceive that compromise and reconciliation in that sad country will be made more difficult as the various parties have to divide a shrinking rather than growing economic pie.

In sum, I do not agree with those who believe economic sanctions to be a useful tool of American policy. I do not think that sanctions against South Africa should be a precedent to use against other reprehensible regimes. I regret that sanctions have become symbolic of a strong stand against apartheid.

Yet, sanctions are the symbol we have chosen in this case, and we who wish to take our stand against apartheid have no choice but to vote for their imposition.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. LUGAR. I ask unanimous consent that it be equally divided on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1330

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield as much time on the amendment to the distinguished majority leader as he may desire.

Mr. DOLE. Mr. President, I thank the distinguished manager of the bill, the Senator from Indiana, Senator LUGAR.

First of all, I am very pleased that we are more or less on schedule on the week's work. At the outset, when we were talking about DOD authorization, Contra aid, and South Africa 2 weeks ago, there was some doubt in my mind, and I assume in many Senators' minds on either side of the aisle, that we were going to complete action on all three.

I believe, with the passage of the Contra aid measure last evening and with what I consider rapid progress being made on South Africa, with some good judgment and a little luck, we might even complete action on this bill much earlier than expected, maybe even this evening, which would leave us tomorrow with a debt ceiling extension and a few other things to wrap up, hopefully, by midafternoon.

Now that is the hope. It may not be a reality, but maybe we could even take up—no, we will not take that up. But maybe we could take up other matters.

But I want to address briefly the amendment that is pending and the one area I am concerned about. I understand the Senator from Connecticut is also concerned and will be modifying his amendment.

But I wanted to indicate that, as is, I would oppose the Dodd amendment because I believe the Foreign Relations Committee has carefully crafted this bill. It would seem to me that, when we talk about the particular provision Senator Dodd has offered, parastatal trading companies are in a totally different category. They market goods for a very large number of private companies, including most agricultural products. Many of the companies which use parastatal exporting companies to get their goods to market are small and they are black owned.

So passage of this amendment would not, in my opinion, be an attack on apartheid. Instead, it would be an assault on private enterprise and especially an assault on small business and agriculture in South Africa, and black-owned business in South Africa.

I would also note two other points. It would dramatically increase the economic impact on this bill. This is not just a technical amendment or a modest extension of the scope of the bill. It would mean about 60 percent of all exports from South Africa would be banned. And, I guess, particularly in the agriculture area, if we wanted to impose a trade embargo, then we ought to impose a trade embargo openly.

So I hope that there can be some modification of the amendment. I know it had been discussed when I was not on the floor, and I apologize for holding up the Senate. I do appreciate the concern that I understand the Senator from Connecticut has expressed and will express.

Mr. DODD. Mr. President, if my good friend, the majority leader, will yield, I appreciate his kind comments.

We are taking into consideration his concerns and the concerns of others in regard to the agriculture community there and working on a modification which hopefully will be satisfactory to him and which would exempt agricultural products for a period of 12 months before anything would happen in that regard. There would be no ban on those for the 12-month period after the date of enactment.

We are working on some language which I would then offer as a modification to my own amendment. If that is acceptable, then possibly we could avoid a rollcall vote on this.

Mr. President, I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The modification requires unanimous consent.

Mr. DODD. I ask unanimous consent that the modification be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The modification reads as follows:

On page 69, line 26, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by."

On page 70, line 2, after the comma, add the following: "(1) except for agricultural products during the 12 month period from the date of enactment; and (2)".

Mr. DODD. Mr. President, very simply, as I mentioned a moment ago in response to the majority leader, I understand his concerns and the concerns of others about the agricultural community with the immediate impact of this amendment if it were adopted in its original form. Obviously, to try to accommodate those concerns, the modification is as I have described it.

The modification would delay the impact of my amendment as it relates to agricultural commodities for a 12-month period following enactment of the legislation.

Mr. President, I hope that is acceptable to my colleagues. If it is, we may be able to accept the amendment.

I reserve the balance of my time.

Mr. LUGAR. Mr. President, I rise to support the amendment as modified by the distinguished Senator from Connecticut. The distinguished majority leader has pointed out some very considerable problems with this marketing aspect. But they are substantially mitigated by putting the agriculture situation into the same area as 1 year of delay, which the President, at that point, if apartheid has not been stopped by the South African Government, could take other action and that would be among them, as I understand the modification.

Clearly, there are difficulties in increasing the trading sanctions, and this amendment does that.

□ 1340

On the other hand, it appears to me that the modification takes care of a number of opposition factors. For that reason, I urge that the Senators on our side accept the amendment.

Mr. DODD. Mr. President, if the chairman will yield, I appreciate his comments on that.

As I intended, the ban on parastatals would go into effect immediately upon enactment, with the exception of a ban on agricultural products. If and when it would occur, it would occur within 12 months after enactment.

I appreciate his support of the modification.

Mr. DOLE. Mr. President, I will add one word.

I think this same provision reads so that some of us from the farm States, we hope we have made it clear with our record, are opposed to apartheid and are not willing to go along with the sort of nonpunitive sanctions. As I understand, the Australian Government tried this same approach. The end result was, it had no impact on apartheid. It hurt small black-owned businesses exporting to Australia, and it led to South African retaliation in the form of a de facto termination of grain purchases. So they kept apartheid, and they got all the grain they needed. They just got it from other sources. So I believe that the modification improves the amendment.

I thank the distinguished Senator from Connecticut.

Mr. DODD. Mr. President, I yield back the balance of my time.

Mr. LUGAR. I yield back our time.

The PRESIDING OFFICER (Mr. DENTON). Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 2733), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2734

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DOLE, Mr. BOSCHWITZ, Mr. MCCLURE, Mr. DENTON, Mr. WALLOP, Mr. THURMOND, Mr. PRESSLER, Mr.

SYMMS, Mr. HECHT, and Mr. GRAMM, proposes an amendment numbered 2734.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, after line 24, add the following new section:

"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 goals 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 goals set forth in subsection (a) of this section."

On page 55, line 5, strike the semi-colon and insert in lieu thereof "and (B) to the families of those killed by terrorist acts such as 'necklacings'."

On page 55, between lines 14 and 15, insert the following new subsection:

"(7) supporting the rights of all South 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.

On page 55, line 17, strike 103 and insert in lieu thereof "104";

On page 55, line 20, after the word, "rights," insert the words, "an end to cross-border terrorism.";

On page 56, line 18, strike the word, "and";

On page 56, between lines 18 and 19, insert the following new subsection"

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

On page 56, line 19, strike "6" and insert in lieu thereof "7";

On page 56, line 25, strike "104" and insert in lieu thereof "105";

On page 57, line 5, strike "105" and insert in lieu thereof "106";

On page 57, line 14, add the following new sentence:

"The United States also recognizes that some of the organization is fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations."

On page 59, line 3, after the word, "to", insert the following words, "suspend terrorism and to";

On page 59, line 15, strike "106" and insert in lieu thereof "107";

On page 59, line 17, strike the semi-colon and insert in lieu thereof "and to the suspension of terrorism in South Africa";

On page 61, line 4, add the following new sentence:

"None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities."

On page 62, after line 24, insert the following new subsection:

"(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."

On page 70, line 8, strike the period and insert in lieu thereof, ", 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."

On page 79, between lines 13 and 14, add the following:

"(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, and 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 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. . (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—

"(1) the abhorrent practice of 'necklacing' and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks; and

"(2) the fear of life, limb, and property instilled by the radical 'comrades' in the mod-

erate blacks in South Africa so that they are intimidated to take part in strikes and boycotts they might otherwise not join, to refuse to pay lawfully due rents, to refrain from preventing their children from taking part in violent demonstrations, and generally to acquiesce to the demands of terrorists are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free of fear of violent reprisals."

On page 87, after line 25, insert the following new section:

"REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

"SEC. 508. (a) Not later than 90 days after the date of enactment of his 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 non-white 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 section (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."

Mr. HELMS. I thank the Chair.

Mr. President, two points I would make at the outset: First, that this amendment is cosponsored by the distinguished majority leader, Mr. DOLE, and Mr. BOSCHWITZ, Mr. MCCLURE, Mr. DENTON, Mr. WALLOP, Mr. THURMOND, Mr. PRESSLER, Mr. SYMMS, Mr. HECHT, and Mr. GRAMM.

The second point is that I have prepared and have on the list specified by the controlling unanimous consent agreement a total of 15 amendments, including the pending one. This is a fair amendment. It is a logical and sensible amendment which is why it will probably create some controversy among certain Senators. But if this amendment is accepted, or approved by a vote, then I do not propose to offer any of the remainder of my 14 amendments.

I think many other Senators would likewise be predisposed not to offer amendments which would mean that we could conclude the issue of proposed sanctions on South Africa in a fairly short period. But we will see. We will see what the good faith is, or is not, and proceed from there.

Mr. President, the cosponsors of this amendment and I are concerned that

the whole emphasis of the bill as it now stands is to stress the responsibilities and goals which we expect the Government of South Africa to adopt. With all due respect to those who favor self-defeating sanctions, they appear to overlook the fact that there must be two sides to any negotiation, and that neither side is wholly right and neither side is wholly wrong. Unless we recognize that, all of the posturing, semantics, and political rhetoric will be for naught.

It might be good politics for some to handle it that way. But this Senator and the cosponsors of the amendment feel that negotiations must have two sides.

In my own judgment, it is tactically wrong to impose sanctions whose burden falls only on one party to the negotiations. There are some who feel that that one party is so grievously in the wrong that it will just have to make all of the concessions—even those who feel that way should pause to think practically about what we say we want to accomplish.

If we just want to rub South Africa's nose in it, if we want to play politics, let's just continue to be the one-sided thing that it is. I reject that, and will have no part of it. But if we are genuine in wanting to help the people of South Africa—I am talking about the whites and the blacks—then we will set it up so that there can be some real negotiations and some real progress.

The first goal is to move the South African Government to accept peaceful change, not to exact vengeance or retribution upon them. Therefore, from a psychological standpoint, the bill must be evenhanded. The bill must recognize the fears which exist in the South African Government itself, and among an enormous percentage of the people who are unheard from in the media accounts from South Africa.

Mr. President, the point is this: We must not make it appear that we are requiring South Africans to surrender abjectly because this is precisely the surest way to assure a bloody resistance.

The second goal is to move the various elements of the black groups to accept the goals of peaceful change. I believe that the overwhelming majority of blacks earnestly desire peaceful change. But there are elements of the leadership of some of the blacks which are seeking upheaval and bloody revolution, not for the purpose of establishing a free nation under God and under law but to establish a new totalitarian system. All South Africans, black and white, have a moral duty to resist all those who seek to impose a totalitarian system upon their country.

The blacks as well as the whites fear those black leaders who have adopted terrorism as a method and commu-

nism as a goal. Therefore, this Senator believes it should be the policy of the United States to offer its support to those blacks who want peaceful change, and who want a country based on freedom and law. We should not foolishly try to force South Africa to accept those who will not abandon terrorism during the negotiating period.

Mr. President, this amendment would assure a more even-handed approach to the present situation in South Africa, and which would make clear that while the South African Government bears the major responsibility for changes in the political situation there, and for eliminating the last vestiges of the apartheid system, organizations such as the African National Congress also have responsibilities in helping to bring about a genuine, non-racial democracy in South Africa.

Democracy cannot be born in an environment of terrorism directed against innocent citizens, black and white, but that is precisely what is going on there today. What is happening is that a tightly-organized minority within the black community is attempting to bully their way to leadership and control by adopting terrorist tactics against their fellow blacks.

So, Mr. President, that is why we must call upon the elements in the African National Congress, and other groups which have adopted terrorism as a policy, to abandon terrorism so that negotiations for peace and freedom can take place realistically. The cosponsors of this amendment and I do not feel that the U.S. Congress has sufficiently focused on the responsibilities of these organizations nor on what U.S. policy should be toward them.

Therefore, Mr. President the pending amendment would declare that it is the policy of the United States to support negotiations with the representatives of all communities as envisioned in the act. It states further that if the South African Government agrees to enter into negotiations without preconditions as envisioned in the act, and if the African National Congress, the Pan-African Congress or other organizations refuse to participate, then those negotiations cannot be vetoed by these parties staying away. In other words, if the act achieves its aim—that is to say, to get South Africa to the bargaining table without preconditions—then the ANC cannot undercut the purposes of the act. It is as simple as that.

□ 1350

Second, the amendment declares that if the ANC, the African National Congress, or any other organization, refuses to abandon violence during the negotiation, and if they refuse to commit themselves to a free and democratic government in South Africa,

then the United States will have negotiations excluding those organizations.

Why should they be included?

In short, this amendment offers a bargain to the South Africans. If they keep their end of the bargain, then the ANC and others must agree to participate. They cannot veto good-faith negotiations through violence. They must agree to abandon violence and terrorism during negotiations, and they must agree to commit themselves to a free and democratic post-apartheid South Africa.

The amendment states that the United States will adjust its actions towards the Government of South Africa not only by that government's actions, but by the actions of the ANC in this regard. It supports the rights of all South Africans to be free of terrorist attack, and it strongly demands that all countries of the region take effective action to end cross-border terrorism.

It also makes funds available, by the way, to the victims of necklacing and to their families, and to support groups which are actively working toward a multiracial solution to the sharing of political power through nonviolent means.

Finally, it calls for the President of the United States to make a report to Congress on Communist activities in South Africa.

That point, Mr. President, brings up the underlying flaw in the bill as a whole.

I. A QUESTION OF INTENT

"The power is in our hand—we have people's power. . . . With our necklaces we shall liberate this country."—Winnie Mandela, Washington Post, April 14, 1986.

In American jurisprudence, the term "intent" is not interpreted to mean the psychological or cognitive state of the accused at the time before the act was performed. Rather, it refers to the formal circumstances of the action, and the consequences which might reasonably have been foreseen. If a foreseeable result flows naturally from certain actions, a court usually presumes that such a result was intended.

With this precise definition of "intent" in mind, it is no exaggeration to say that the intent of S. 2701, as reported by the Foreign Relations Committee, is to recognize the Communist movement of South Africa as the legitimate, nay, preferred successor to the present Government of South Africa.

This is not to say that any member of the Foreign Relations Committee who voted to report S. 2701 consciously desired to give preference to a Communist Government in South Africa. But what it does mean is that the bill itself gives preference in almost every respect only to those opponents of the Government and those groups that are deeply committed to the Commu-

nist Party of South Africa, an organization funded and controlled by the Soviet Union. The non-Communist leaders of the blacks and nonwhites are treated as though they do not exist.

Thus the preference is given by name to those groups and personalities which have adopted terrorism against innocent men, women, and children as their preferred method of liberation, and communism as the vision of democracy which they intend to install. Although the bill, as an empty ritual, makes a few passing references to "the establishment of a nonracial, democratic form of government," the key beneficiaries under the bill are precisely those who define democracy in Marxist-Leninist terms.

Nowhere does the bill exclude totalitarian groups, or groups which support terrorism. It is one thing to state a preference on behalf of an organized rebellion, or an insurrectionary group. Under international law, such groups are defined as those which carry on military activities against the security forces of the ruling power. Support for such groups is usually given on a case-by-case basis, and is limited in international law to urging negotiations between the group and the rebels, or granting asylum to rebels who flee to another country.

But when rebels or insurrectionists attack the civilian population, and commit atrocities in order to disrupt civil order, they become outlaws. They go beyond the limits of the moral order, and they forfeit any sympathy or understanding. Indeed, the international community has an obligation to join together to uproot and destroy any movements which adopt such methods, no matter how lofty the stated goals.

The fundamental flaw of S. 2701 is that its whole purpose is to force the South African Government to legitimize and negotiate a transfer of power to the Communist and terrorist movements which espouse these methods. No legislation which is not balanced, just, and constructive can hope to avert the impending disaster in South Africa. This bill fails on all three counts.

II. THE LANGUAGE OF SECTION 101

"Life in the townships is no longer like it was before . . . Here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their homes and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess. Lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes."—Cassius Mandela, in the official ANC publication *Sechaba*, published in East Germany.

In section 101, the bill calls for the Government of South Africa to "release Nelson Mandela, Govan Mbeki,

Walter Sisulu, black trade union leaders, and all political prisoners."

NELSON MANDELA

Nelson Mandela was convicted in 1964 of: first, conspiracy to commit acts of violence—bombings, et cetera—and second, seeking to overthrow violently the South African Government.

Mandela pleaded guilty to the charges in the Transvaal Supreme Court, stating as his defense the illegitimacy of the South African Government. He refused to appeal the decision because he had already pleaded guilty as charged, and he was proud of being guilty. He was sentenced to life imprisonment.

Because he pleaded guilty, Mandela is not considered "a prisoner of conscience" by human rights groups such as Amnesty International.

Nine others sentenced at the same time were released about 6 months ago when they renounced the use of violence. Mandela has steadfastly refused to renounce the use of violence.

When Mandela was arrested, he had in his hand a 23-page document written in his own handwriting, entitled "How to be a good Communist." Mandela admitted that he wrote the document, which includes the following passage:

In our own country, the struggles of the oppressed people are guided by the South African Communist Party and inspired by its policies. The aim of the SACP is to defeat the Nationalist Government and to free the people of South Africa from the evils of racial discrimination and exploitation and to build a classless or Socialist society in which the mills and factories will be owned by the State.

Under a Communist Party Government, South Africa will become a land of milk and honey.

Mr. President, I ask unanimous consent that the complete text of Mandela's essay be printed in the *RECORD* at the conclusion of my remarks.

(See exhibit 1.)

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVAN MBEKI

Govan Mbeki, is also in prison as a result of the same conspiracy in which Mandela was involved. According to the CIA, Govan Mbeki is a "South African Communist Party Leader." He is the father of Thabo Mbeki, whom the CIA calls one of the most visible officials in the ANC.

WALTER SISULU

Walter Sisulu is another member of the conspiracy to overthrow the South African Government, and a leader of the ANC. Like the others, he has been offered his freedom if he renounces the use of violence, but he refuses to accept on these terms.

Section 101 also calls upon South Africa to "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." What would be unexceptional in the context of United States politics becomes very dangerous in the South African context, for this policy statement does not exclude totalitarian and Communist parties. Whereas in the United States, the Communist Party of the United States is only a token representative of subversive forces, in South Africa, the Communists are committed to the violent overthrow of law and order—in other words they are dedicated to the goal of making democratic transition impossible. When you have so-called "political parties" that express themselves by burning old women, young children, and innocent bystanders, the structure of law has to exclude their legitimacy. By mandating that all parties be included, without exception, S. 2701 is fatally flawed.

Section 102 provides that so-called "victims of apartheid" will be provided assistance "without discrimination by race, color, sex, religious belief, or political orientation." The inclusion of the phrase "political orientation" means that the U.S. taxpayers will be financing the education of terrorists and Communists.

It is especially significant that the bill fails to set up a framework which would specifically include well-known black leaders such as Bishop Isaac P.B. Mokoena, the presiding leader of 4.5 million black Christians, or Kwa-Zulu Chief Minister Buthezi, leader of 7 million Zulus. The bill's constant reference to "political" leaders and "political" parties do not fit the categories of leadership in Africa, where "politics" is a superficial and meaningless concept in the tribal and religious environment. This bias against the traditional, deeply rooted structures of society can only result in revolutionary chaos and injustice.

III. COMMUNIST CONTROL OF THE ANC

The ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against imperialist pressure from abroad, are friends that we can rely on. This struggle is part of the overall anti-imperialist struggle. . . . The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forces.—Alfred Nzo, Secretary General of the ANC, in *World Marxist Review*.

Section 105 states that "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." Thus U.S. policy is guided directly to a policy of negotiating with the totalitarian groups.

There is no mention whatsoever of nontotalitarian groups, but there is a

specific reference to those groups which have been banned for terrorism and control by the Soviet Union: "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." There are only four organizations banned in South Africa: The African National Congress, the Pan Africanist Movement, the Black Consciousness Movement—a racist organization which seeks to exclude all whites from South Africa—and the Communist Party of South Africa.

These organizations are referred to in section 104(d)(2) as "the African National Congress, the Pan African (sic) Congress, the Black Consciousness Movement, and all other groups willing to participate in negotiations and a democratic process." It is noteworthy that only one group is omitted from specific mention in the bill, namely, the South African Communist Party, which apparently is considered among the "other groups willing to participate." The Pan Africanist Congress is a Communist group which followed Maoism after the Soviet-Sino split. Thus the bill expends considerable capital upon pressuring for the unbanning of the entire Communist movement in South Africa. As for the African National Congress, there are some who wrongly consider it to be a democratic movement.

Recently I asked William Casey, Director of the Central Intelligence Agency, to declassify the biographies of the Communist members of the Executive Committee of the African National Congress. Mr. Casey complied.

Mr. President, I ask unanimous consent that these biographies be printed in the *RECORD* at the conclusion of my remarks.

It should be noted that the Communists do not need a majority to dominate an organization, as has been proven all over the world. But in this case, it is clear that the Communists do have a majority. Indeed, other analysts offer even more complete results than the CIA.

It is perhaps inevitable that groups seeking the destruction of the Western society, and seeking to bring about its downfall, would use the resentment and perceived injustice of the less-developed society as instruments of psychological manipulation to destroy the progress that has been made, and to prevent the evolution of a unified society in which Western ideas of culture and economy predominate. But is it inevitable that the West would side with the groups seeking to install a minority government. By a minority government, I mean a Communist government, because that is what a Commu-

nist government is: a minority government.

The chief instrument of the Communist movement today in South Africa is the African National Congress. I don't mean that the ANC is led by some idealistic, but fuzzy minded people who are the innocent dupes of the world Communist movement. I mean that the Executive Committee of the ANC is actually composed of Communists, a majority of them being actual members of the Communist Party of South Africa. Yet we are being faced with a vast propaganda campaign from the media, the Marxists, and the State Department to convince America that the ANC is the legitimate heir to rule in South Africa.

Every time that I hear praise for the African National Congress in South Africa as a positive factor and a force to be negotiated with, I wonder why there has been almost no effort to inform the American people as to the real history and aims of the African National Congress.

It is time that the true nature of the African National Congress in South Africa be understood. It is a Communist front controlled by the South African Communist Party, which itself is under the control of the Communist Party of the Soviet Union.

The real question before South Africans, whether black, white, Indian, Cape Coloured, and other minorities, is whether they will have a Communist future or a free future. It is not for the United States nor for the Europeans nor for the Soviet bloc nor anyone else to try to impose solutions upon the people of South Africa. It is for the South Africans to decide how they will fashion constitutional and political solutions for their unique situation in order to promote peace, prosperity, and justice for all citizens.

The fact is that the ANC has been transformed from its original role as established in 1912 as a nationalist, but non-Communist, organization for blacks in South Africa into a front organization for the South African Communist Party. It is widely recognized that the South African Communist Party is a Soviet line orthodox Marxist-Leninist party completely under Moscow's guidance and control.

The South African Communist Party admitted this fundamental point in a recent article in its regularly published journal entitled *Umsebenzi*. In the issue which appeared as volume 2, No. 1 for 1986, in an article entitled "History of the South African Communist Party," it was pointed out that the 6th Congress of the Communist International, COMINTERN, which occurred in 1928, gave guidance on the relationship between the South African Communist Party and the ANC. The article stated, and I quote, "The South African Communist Party should pay particular attention to the

ANC. Our aim should be to transform the ANC into a fighting nationalist revolutionary organization."

The Subcommittee on Security and Terrorism under the able leadership of the distinguished Senator from Alabama [Mr. DENTON] held extensive hearings in March 1982 which documented the Communist penetration and dominance of the ANC organization. During the hearings on S. 2701, Mr. DENTON appeared before the Foreign Relations Committee and delivered eloquent testimony about the findings of his Judiciary Subcommittee.

I commend our distinguished colleague for his determined efforts to inform our colleagues as well as the American people about the real nature of international terrorism. The hearings of the subcommittee to which I just referred appear in two volumes which were published by the subcommittee and I recommend the hearings and the report to Senators who wish to be informed on the matter.

Senator DENTON's hearings revealed that, as of 1982, at least 12 members of the 22 member National Executive Committee of the ANC organization were known members of the South African Communist Party. Seven more members were suspected members of the South African Communist Party. That was in 1982, before the more recent changes which I shall discuss shortly.

Those who were identified by the Senate Security and Terrorism Subcommittee in 1982 as known members of the South African Communist Party were: Yusuf Dadoo, the vice-president of ANC; Alfred Nzo, the secretary general; Dan Tloome, the deputy secretary general; Joe Slovo, the deputy chief of the Umkhonto We Sizwe ("Spear of the Nation," the armed terrorist branch of the ANC); Josiah Jele, director of international affairs; Reginald September; Thabe Mbeki, chief of the political department; Moses Mabitha, secretary general of the South African Communist Party; Stephen Dlamini; Hector Mkula; John Nkademeng; and Mziwandile Piliso, chief of personnel and security.

Those who identified as suspected members of the South African Communist Party were: Oliver Tambo, president of ANC; Joe Modise, chief of the Umkhonto We Sizwe; Sizakele Sigxashe, director of information and publicity; Henry Makgothi; Jacob Zuma; Andrew Masondo; and Edward Dilinga.

It is quite clear from this analysis that the national executive committee of the ANC was, as of 1982, fully penetrated by the South African Communist Party and that the party had a dominant influence on the organization. There is no excuse for not recog-

nizing this simple fact in light of the extensive testimony presented at the subcommittee's hearings.

However, Mr. President, since 1982 the situation has become even more transparent. The executive committee of the ANC has been enlarged to 30, and there are even more Communists on its rolls.

In June 1985, at Kabwe, Zambia, the Second National Congress of the African National Congress was held and a 30-member National Executive Committee was appointed. According to information made available to my office by the Subcommittee on Security and Terrorism there are 19 members who have been identified as members of the South African Communist Party and there are 6 additional members who are suspected of being members of the South African Communist Party.

Those who have been identified as known members of the South African Communist Party are: Alfred Nzo, the secretary general of ANC; Dan Tloome, deputy secretary general and deputy treasurer general of the ANC; Joe Modise, commander of the Umkhonto we Sizwe; Joe Slovo, deputy chief of the Umkhonto we Sizwe; Reginald September, former London representative of the ANC currently in Zambia; Thabo Mbeki, secretary for publicity; Moses Mabhida, secretary general of the South African Communist Party, deceased March 8, 1986; Stephen Dlamini, president of the South African Congress of Trade Unions; Henry Makgothi, secretary of the education department; Mziwandile Piliso, special aide to Oliver Tambo, president of ANC; Chris Hani, political commissar of the Umkhonto we Sizwe; Pallo Jordan, senior member of the department of information and publicity; Mac Maharaj, member of political and economic committees; Cassius Make, senior commander of the Umkhonto we Sizwe; Francis Meli, editor of Sechaba, the ANC monthly magazine; Anthony Mongalo, ANC representative in East Germany; Aziz Pahad, senior ANC member in London office; and James Stuart, ANC representative in Zambia.

It is quite clear from this information that after the 1985 reorganization of the ANC National Executive Committee it remains fully penetrated and dominated by members of the South African Communist Party.

IV. THE OVERTHROW OF THE SOUTH AFRICAN GOVERNMENT

In the first place our objective is not to work for the regime's abdication but to bring about its revolutionary overthrow. *Umesbenzi*, Vol. 2, No. 2, 1986.

Although there is much pious talk about "power sharing" and a nonracial government, the real aim of the anti-apartheid movement is the violent overthrow of the South African Government, and the institution of a Com-

munist dictatorship based on tribal loyalties. No Senator who supports S. 2107 can be said to support such an aim. But the thrust of S. 2107 is to bring that about.

The African realities are that the most significant sociological fact is the tribal organization. In country after country, after a Communist takeover, the regime in power has sought to consolidate its power by eliminating all opponents, not based just upon political beliefs, but upon tribal distinctions. These aims are brought about by intimidation of political opponents, wholesale slaughter, removals of whole populations to concentration camps or to areas which cannot support life, and politically induced famine and starvation.

It is a disturbing fact to African observers to note that Marxism and tribalism are a dangerous and tragic mix.

In Ethiopia, for example, 300,000 died in a politically manipulated famine, and 5 million more had their lives changed through deprivation and forced removals.

In Mozambique, 200,000 have died, and on May 1, Samora Machel called for 200,000 more to be put into concentration camps by the end of this year.

In Zimbabwe, Robert Mugabe, whose terrorist guerrillas concentrated on horrible murders of children, women, teachers, and missionaries, has, since taking office in a so-called democratic election, systematically intimidated and dispersed his political opposition. But Mugabe is a Shona, and his chief political opposition comes from the Matabele Tribe, and he has used his army to slaughter between 10,000 and 20,000 Matabele. It was only last July that the United States finally suspended aid—and then not for the murders, but because he insulted the visiting former President of the United States, Jimmy Carter.

Thus it is very disturbing to learn that the majority of blacks on the Communist-dominated executive committee of the ANC are Xhosa, the historic enemies of the Zulus. That is a fact that looms larger in Africa than the political views of the executive committee, but it is no less deadly. Under such circumstances, the remedies proposed in S. 2701 are based upon fantasy.

At the same time, S. 2701 gives no quarter at all to the present Government of South Africa, a country with Western values and Western political traditions, a country that has been trying to come out of its geographic isolation. It was very disappointing that the committee rejected an amendment I offered taking note of the reforms which South Africa has initiated since 1976.

My amendment took note of the significant progress which South Africa has made in dismantling the apartheid

system, particularly in undertaking the following actions:

In 1976, for the desegregation of sports and athletic competition, and reforms in the educational system;

In 1977, for partially removing the job reservation system;

In 1978, for allowing 99-year leasehold home ownership for blacks;

In 1979, for recognizing black trade unions, and giving them the right to strike and bargain collectively;

In 1980, for desegregating the leading hotels, restaurants, libraries, and sporting facilities;

In 1981, for accepting the permanence of blacks living in white areas, for abolishing racial wage differentiation in the public sector, for initiation of compulsory education for black children, for opening trade unions to all races, and for convening the racially-mixed President's Council to discuss South Africa's constitutional future;

In 1982, for the President's Council admitting the urgent need for political reform, despite deep divisions in the white political sector; for instituting black self-government at local levels; for putting blacks on government and quasi-government boards such as the Housing Commission and the Prime Minister's Economic Advisory Council;

In 1983, for successfully promoting a referendum which, by a two thirds vote, admitted Coloreds and Indians to Parliament; for its straightforward admission that the homeland policy has been a failure; for eliminating legalized discrimination in employment; for giving blacks the right to vote in local elections; and for abandoning the job reservation system that discriminated against blacks;

In 1984, for adopting the Constitution that abolished the whites-only Parliament; for setting as an urgent goal the achievement of parity in education; for abolition of the restrictions on blacks in the Western Cape;

In 1985, for repealing the Immorality Act; for legalizing racially-mixed marriages; for abolishing forced removals; for opening political parties to all races; for extending freehold land ownership rights for urban blacks; for opening the central business districts to businessmen of all races; for setting as a goal one citizenship for all South Africans; for declaring that the reincorporation of the homelands in a united South Africa was a negotiable item; for appointing Colored and Indian Cabinet Ministers; for declaring that public services are to be staffed according to merit; for publicly announcing a commitment to powersharing with blacks; for meeting with Natal Province leaders to discuss multiracial government; for offering amnesty to Nelson Mandela on condition that he renounce violence; for granting the right to own land to South Africans of all races; for promising negotiations with black leaders; for desegregating all universities; for the repeal of all references to race and color in immigration laws; for creating a climate of opinion in which 75 percent of all whites in a nationwide poll said they would accept some form of power sharing with blacks;

In 1986, for abolishing the Pass Laws; for amending and/or repealing the Influx Control Act and 34 related laws; for abolition of the all-white Provincial Councils; for the formation of multi-racial Regional Services Councils; for repealing the Separate Amenities act; for increasing government expenditures on black education seven times over

the level of 1979; for introducing legislation to enable homeland blacks to regain South African citizenship; for appointing blacks, Coloureds, and Indians as members of Executive Councils in previously all-white provincial governments; and for the institution of a National Statutory Council to begin discussion with blacks on a new Constitution."

The fact is that the system of apartheid has been totally abolished under law, with the single exception of residential segregation. What remains to be negotiated is not apartheid, but very, very fundamental issues of how to protect the rights of all groups through a system of checks and balances.

There has never been a democratic transfer of power in Africa after the first election in the transition period. The rule in Africa is one man, one vote, one time. The Government of South Africa knows that it cannot, in justice to black and white alike, surrender to the kind of intimidation that seeks to achieve that kind of transfer—whether it comes from internal Communists, or from the supposedly advanced industrial nations of the West. Democracy is a necessary component, but only one component of a stable and just society. Unless we draft our sanctions bill with wisdom and justice, the people of South Africa, and all of Africa, face the bleakness of a Communist future.

EXHIBIT 1

ANNEX I—How To Be A Good Communist (By Nelson Mandela)

INTRODUCTION

A Communist is a member of the Communist Party who understands and accepts the theory and practice of Marxism-Leninism as explained by Marx, Engels, Lenin and Stalin and who subjects himself to the discipline of the Party.

The goal of communism is a classless society based on the principle: from each according to his ability and to each according to his needs.

The aim is to change the present world into a Communist world where there will be no exploiters and exploited, no oppressor and oppressed, no rich and poor Communists fight for a world where there will be no unemployment, no poverty and starvation, disease and ignorance. In such a world there will be no capitalists, no imperialists, no fascists. There will be neither colonies nor wars.

In our own country, the struggles of the oppressed people are guided by the South African Communist Party and inspired by its policies. The aim of the S.A.C.P. is to defeat the Nationalist Government and to free the people of South Africa from the evils of racial discrimination and exploitation and to build a classless or Socialist Society in which the land, the mines, the mills and factories will be owned by the state.

Under a Communist Party Government, South Africa will become a land of milk and honey. Political, economic and social rights will cease to be enjoyed by whites only. They will be shared equally by whites and non-whites. There will be enough land and houses for all. There will be no unemployment, starvation and disease. Workers will earn decent wages; transport will be cheap

and education free. There will be no pass laws, no influx control, no police raids for passes and poll tax and Africans, Europeans, Coloureds and Indians will live in racial peace and perfect equality.

The victory of Socialism in the U.S.S.R., in the People's Republic of China, in Bulgaria, Czechoslovakia, Hungary, Poland and Romania, where the living conditions of the people were in many respects similar and even worse than ours, proves that we too can achieve this important goal.

Communists everywhere fight to destroy capitalist society and to replace it with Socialism, where the masses of the Common people, irrespective of race or colour, will live in complete equality, freedom and happiness. They seek to revolutionise society and are thus called revolutionaries. Those who support capitalism with its class divisions and other evils, and who oppose our just struggles to end oppression and exploitation are called counter-revolutionaries.

Comrade Liu Shao-chi, member of the Central Committee of the Communist Party of China, says:

"We Communist Party members are the most advanced revolutionaries in modern history and are the contemporary fighting and driving force in changing society and the world. Revolutionaries exist because of counter-revolutionaries still exist. Therefore, to conduct a ceaseless struggle against the counter-revolutionaries constitutes an essential condition for the existence and development of revolutionaries. If they fail to carry on such a struggle, they cannot be called revolutionaries and still less can they advance and develop. It is in the course of this ceaseless struggle against the Counter-revolutionaries that Communist Party members change society, change the world and at the same time change themselves."

To succeed in conducting a ceaseless struggle against the counter-revolutionaries, and to be able to play the vital role of being the most advanced revolutionary and driving force in changing society and the world, one must put all else aside and seriously and faithfully undertake self-cultivation.

1. The process of self-cultivation

The process of self-cultivation involves two elements:

(a) One's steeling in the practical struggles of the oppressed people, and

(b) The cultivation of one's ideas.

(a) *One's schooling in the practical struggles of the oppressed people.*—To become the most advanced Communist revolutionary, it is not enough to understand and accept the theory of Marxism-Leninism. In addition, one must take part in the practical struggles of the people against oppression and exploitation. A person who is isolated from the peoples struggles, an arm-chair politician, however deep his knowledge of Marxist theory might be, is not a Communist revolutionary.

It is only in the course of such practical struggles that one's advancement and development is stimulated; that one acquires the necessary experience to guide the masses of the people in their political battles and the art and skill of being a driving force in changing society and the world. It is precisely for this reason that S.A.C.P. requires its members to participate fully and without reservations in such issues as the anti-pass campaigns, the struggle against Bantu Authorities, against Job Reservation, the Group Areas Act and in all other mass campaigns.

By consistently taking part in such struggles party members, who very often start

with no experience whatsoever, gain valuable knowledge, and get hardened for the stern mass struggles that are part and parcel of the life of every communist revolutionary.

(b) *The cultivation of one's ideas.*—Participation in practical mass struggles does not in itself enable a Party member to raise his revolutionary qualities, nor does it help him to understand the law of the development of society and the laws of the revolution. Progress in one's revolutionary qualities and knowledge of the laws of social development and the laws of the revolution will be achieved by a thorough understanding of the theory of Marxism. It is thus absolutely imperative for all Party members to have to make a serious study of Marxist philosophy and to master it completely. Only in this way will Party members become the most advanced revolutionaries. Only in this way will they advance and develop.

The aim of studying Marxist philosophy is to enable us to direct more effectively revolutionary mass struggles. To put it in a nutshell, Marxism is a guide to action.

Communist Party members must undertake self-cultivation whether they are new members in the Party or old ones, whether they are workers, peasants, businessmen, professional men or intellectuals, and whether they are conducting difficult or easy revolutionary mass campaigns; in victory or defeat.

Finally, self-cultivation must be imaginative and practical, and must be used to eliminate from one's outlook and conduct unhealthy tendencies which local conditions may give rise to.

South Africa is a country where the politically, economically and socially and where Africans, Coloureds and Indians are treated as inferiors. It is a country torn asunder by racial strife and where black and white channism finds fertile soil in which it thrives and where efforts and appeals for working-class solidarity very often fall on deaf ears.

The pamphlet compiled by the S.A.C.P. to mark the fortieth anniversary of the Communist Party of South Africa, which preceded the S.A.C.P. and which was declared illegal in 1950, correctly points out that, in spite of all the formidable difficulties that faced it, the C.P.S.A. had in existence brought about profound changes in the thinking and political outlook of the oppressed people of South Africa. These achievements are being expanded and further developed by the S.A.C.P., the worthy successor of the C.P.S.A. In spite of these advances, however, there is still the danger that the historical problems and prejudices produced by capitalist society in our country may infiltrate into our Party and influence the political outlook of our Party members.

In cultivating their outlook, our members must consciously strive to remove these particular weaknesses and shortcomings as well.

This is what we mean when we say Party members must undertake self-cultivation.

2. How to become the best pupil of Marx, Engels, Lenin and Stalin

At the beginning of these lectures we defined a Communist as a member of the Communist Party who understands and accepts the theory and practice of Marxism-Leninism as explained by Marx, Engels, Lenin and Stalin.

Any person may become a member of the Communist Party if he accepts the pro-

gramme and constitution of the Party, pays Party membership fees and undertakes tasks given to him in one of the Party's organisations. These are called the minimum qualifications that every Party member must possess. But every one of our members should not be content to be a member of minimum qualifications. He must strive to become a member of Marxism qualifications. Every party member should raise his revolutionary qualities on every respect to the same level as those of Marx, Engels, Lenin and Stalin.

Some says that it is impossible to acquire the great qualities of revolutionary geniuses like Marx, Engels, Lenin and Stalin and that it is impossible to raise our own qualities to the same level as theirs. But as long as Party members work hard and earnestly, never allow themselves to be isolated for one single moment from the day to day struggles of the people and make serious efforts to study Marxist literature, learn from the experiences of other comrades and the masses of the people, and constantly strive to steel and cultivate themselves, they will be perfectly able to raise their qualities to the same level as that of Marx, Engels, Lenin and Stalin.

There are two ways of studying Marxism. One is to learn it by heart and be able to repeat mechanically the information learnt without being able to use this information for the purpose of solving problems.

The second is to try to master the essence, spirit and methods of Marxism. In this second category belongs those comrades who read over and over again Marxist literature, who pay special attention to the concrete conditions existing in the country have they live and draw their own conclusions, their entire activities, their attitude towards other comrades and the masses of the people, and the whole of their lives are guided by the principles of Marxism-Leninism and aimed at one thing—national liberation, the victory of the working class, the liberation of mankind, the success of Communism and nothing else.

To reach this goal calls for a supreme effort and an iron will. It means complete dedication to the struggle for the removal of oppression and exploitation and for life long devotion to the study of Marxism.

3. The aspects and methods of cultivation

Cultivation must be carried on in all aspects in the course of the long and strenuous struggle to free the working class and the masses of the people from capitalist exploitation. Cultivation is needed in studying Marxism and in applying it to answer questions and to solve practical problems, in sharpening one's moral character and behaviour; in hard work and ability to withstand hardship; in preserving the unity of the Party and conducting inner-party struggle; loyalty to the Party and complete dedication to the cause of the Communist revolution.

The life of a Communist revolutionary is no bed of roses. It consists of serious studies in Marxist literature, of hard work and of constant participation in numerous and endless mass struggles. He has no time for worldly pleasures and his whole life is devoted to one thing, and one thing only, the destruction of capitalist society, the removal of all forms of exploitation and the liberation of mankind. A Communist revolutionary always combines theory with practice. He studies for the sole purpose of putting into practice what he has learnt. He regards Marxism as a guide action and takes part fully and without reservation in mass strug-

gles directed by the Party or by other political organisations outside of the Party. In South Africa, a Communist Party member must take part in mass struggles initiated by the S.A.C.P., the Congress Movement, or by other political bodies within the liberation movement.

4. Relation between the study of Marxist-Leninist theory and the ideological cultivation of party members

It is commonly thought that one's intelligence, ability and the study of Marxist text books are in themselves enough to enable one to master the theory and method of Marxism-Leninism.

Nothing could be further from the truth. Dealing with this point Liu-Shao-Chi says: "Marxism-Leninism is the science of the proletarian revolution. It can be thoroughly understood and mastered only by those who fully take the proletarian standpoint and who adopt the ideas of the proletariat as their own. It is impossible for anyone to thoroughly understand and master the Marxist science of the proletariat, only by means of his intellect and strenuous study if he lacks the firm standpoint and pure ideals of the proletariat. This is also an obvious truth. Therefore, in studying the theory and method of Marxism-Leninism today, it is necessary that our study proceeds simultaneously with our ideological cultivation and steeling because without the theory and method of Marxism-Leninism, we should have nothing to guide our thoughts and actions and our ideological cultivation would also be impossible. These two are closely related to each other and are inseparable."

We do need Communist Party members who are highly intelligent and who have ability and who make it their business to have a thorough understanding of Marxist theory. But a working class revolution will be carried out successfully by those Party members who in addition to the characteristics mentioned above, adopt without reservation, the standpoint and ideals of the working class.

Although they may be unable to recite quotations from Marxist text books, experience shows that Party members of working class origin have a keener interest and deeper understanding of Marxism-Leninism than these Party members of student origin, provided it is explained to them in words they understand. In loyalty to the Party, in discipline and in the handling of practical problems, they often prove more correct and more in conformity with the principles of Marxism-Leninism than others.

This is so because Party members of working class origin have a firm and pure Communist standpoint and ideals, an objective attitude towards things, and in their minds they have no pre-conceived ideas whatsoever, and no worries about personal problems or about impure matters.

Party members who lack a firm working class outlook, who have the habits and prejudices of other classes and who have personal interests and selfish ideas are not true Communists. As a matter of fact, they very often find that Marxist-Leninist principles will clash with their interests and they invariably try to distort these principles to suit their own personal interests and prejudices.

Every Communist revolutionary must, therefore, firmly adopt the standpoint and ideology of the working class. Unless he does this, it is not possible for him to understand the universal truth of Marxism-Leninism.

5. The cause of communism is the greatest and most arduous cause in the history of mankind.

On page one of this section we point out that our aim is to change the present world into a Communist world where there will be no exploiters and exploited, no oppressor and oppressed, no rich and poor. We also make the point that the victory of Socialism in the U.S.S.R., in China and other states in Asia and Eastern Europe proves that a Communist world is capable of attainment. Moreover, since the victory of Socialism in the U.S.S.R. in 1917, the Socialist camp has grown to become a world force with a population of more than 1000, million and occupying a third of the globe.

But in spite of this victorious advance, the Communist movement still faces powerful enemies which must be completely crushed and wiped out from the face of the earth before a Communist world can be realised. Without a hard, bitter and long struggle against capitalism and exploitation, there can be no Communist world.

The cause of communism is the greatest cause in the history of mankind because it seeks to remove from society all forms of oppression and exploitation, to liberate mankind and to ensure peace and prosperity to all.

A Communist revolution is different from all other revolutions in history. Whereas in other revolutions the seizure of State power is an end in itself, in a Communist revolution the seizure of State power by the working class is a means to an end, that end being the total removal of all forms of exploitation, the liberation of mankind by building up a classless society.

Every Communist Party member must possess the greatest courage and revolutionary determination and must be prepared to play his part and carry out all political tasks without fear or hesitation.

In the struggle to transform the present world into a Communist world, we must strive consistently to combine theory with practice.

Finally, we must live and develop in reality. In fighting to change the world we must start from the very people in close contact with us. We must thoroughly study our own situation and problems, understand them completely and work out appropriate solutions.

6. The unconditional subordination of the personal interests of a party member to the interests of the party

A Communist Party member must subordinate his personal interests to those of the Party. As the political of the working class, the Communist Party has no interests of its own apart from those of the working class. The Party seeks to destroy capitalist exploitation and to free the working class. Therefore, the subordination of a Party member's personal interests to the Party's interests means subordination to the interests of the working class.

We test a Communist Party member's loyalty to the Party, to the revolution and the Communist cause by the manner in which he absolutely and unconditionally subordinates his interests to those of the Party under all circumstances. To sacrifice one's personal interests and even one's life without the slightest hesitation for the cause of the Party is the highest manifestation of Communist ethics.

In the Party our members should not have personal aims independent of the Party's interests. The desire for personal

power and positions, individual heroism conflict with the interests of the Party and the working class.

A true Communist should possess the following characteristics:

(i) He must possess very good Communist ethics. He can show love and loyalty to all his comrades, revolutionaries and working people, help them unconditionally, treat them with equality and never harm any one of them.

He always tries to do more revolutionary work than others and to fight harder. In times of adversity, he will stand out courageously and unflinchingly and in the face of difficulties he will demonstrate the greatest sense of responsibility.

He is able to resist corruption by riches or hours, to resist tendencies to facilitate in spite of poverty and lowly status and to refuse to yield in spite of threat and force.

(ii) He possesses the greatest courage. He can see his mistakes and shortcomings and has sufficient willpower to correct them. At all times and under all circumstances he speaks the truth and nothing but the truth. He courageously fights for it even when it is temporarily to his disadvantage to do so.

(iii) He has a thorough understanding of the theory and method of Marxism-Leninism. He has an objective attitude.

(iv) He is the most sincere, most candid and happiest of men. Apart from the interest of the Party and of the revolution, he has no personal losses or gains or other things to worry about. He takes care not to do wrong things when he works independently and without supervision and when there is ample opportunity for him to do all kinds of wrong things.

He does not fear criticism from others and he can courageously and sincerely criticise others.

(v) He possesses the highest self-respect and self esteem. For the interest of the Party and of the revolution, he can also be the most lenient, most tolerant and most ready to compromise and he will even endure, if necessary, various forms of humiliation and injustice without feeling hurt or bearing grudges.

The Communist Party represents not only the interests of individual Party members but also the long-range interests of the entire body of workers and the emancipation of mankind. Apart from the interests of the working class and the emancipation of mankind, the Communist Party has no other interests and aims. The Party must not be regarded as a narrow, small group like a guild which seeks only the personal interest of its members. Whoever holds such a view is not a Communist.

A member of our Party is no longer just an ordinary person. He is a conscious vanguard fighter of the working class. He should prove himself a conscious living representative of the interests and ideology of the working class. He should thoroughly merge his personal interests and aims of the Party and the working class.

A Communist revolutionary has his personal interests and the Party should neither eliminate his personality nor prevent personal development, so long as these do not conflict with the interests of the Party.

This is what is meant by the unconditional subordination of the personal interests of a Party member to the interests of the Party.

7. Examples and origin of the various kinds of erroneous ideologies in the party

(i) People who join the Communist Party come from different classes of society, and

bring with them various habits and prejudices which often clash with the basic levels of Marxism-Leninism. Because these people do not have a firm and clear cut Communist outlook they very often waver and even desert the Party when they are faced with danger or difficulties.

The party must pay particular attention to the education, steeling and self-cultivation of such comrades, since without them, they can never develop to be true Communists. No Communist Party anywhere in the world limits its members only to those who have a thorough understanding of communism. The Party will admit any person who accepts the programme of the Party and its constitution. By serious study and hard work such comrades can develop into excellent Communists ready to give their lives for the Party and the Communist cause.

(ii) Certain members of the Party still reflect individualism and self-interests in their work. In their attitude and work they place their personal interests above the Party's interests; they worry about personal gains, they use the Party for their own personal interests. They always want special treatment, less work and more pay. They avoid hard work and hardships; and will disappear at the first sign of danger; and yet they will want to share the honours won by their comrades for the Party through sacrifice and hard work.

Individualism frequently expresses itself in unprincipled discussions and disputes, factional struggles and in sectarian tendencies and in undermining Party discipline. A closely related mistake is that of departmentalism in which a comrade sees only partial interests, sees only his part of the work instead of seeing the situation as a whole and of the work of others. It often leads to obstruction and must be avoided.

(iii) Others show council, individual heroism and like to show off. Liu Shao-chi says of these people:

"The first consideration of these people with such ideas is their position in the Party. They like to show off, and want others to flatter them and admire them. They have a personal ambition to become leaders. They take advantage of their abilities and like to claim credit to show off themselves to keep everything in their hands and they are intolerant. They are full of vanity, do not want to bury their heads in hard work and are unwilling to do technical work. They are haughty. When they have made some small achievements they become very arrogant and domineering as if there were no one else like them in the world. They seek to overshadow others and cannot treat others on equal terms, modestly and politely. They are self-conceited and like to lecture others to instruct and boss others. They are always trying to climb above others, and do not accept directions from others, do not learn modestly from others and particularly from the masses, nor do they accept criticism from others. They lie to be 'promoted' but cannot stand to be 'demoted.' They can only work in fair weather but in foul. They cannot bear attacks on injustices and are unable to adopt themselves to circumstances. They are not great men capable of asserting themselves when necessary or of keeping in the background when required. They have not yet got rid of their deep-rooted desire for fame and they try to build themselves up into great men and 'heroes' in the Communist cause, and even no scruples in employing any means for the gratification of such desires. However, when their aims cannot be

achieved, when they receive rebuffs or cool treatment from comrades in the Party, there is a possible danger of their wavering. In the minds of such persons, there exists remnants of the ideology of the exploiting classes. They do not understand the greatness of communism, nor do they have the broad vision of a Communist."

A Communist should have none of these shortcomings. Whoever possesses such can never rise to become as great as Lenin. In the Communist Party leaders achieve success through mass support. Mass support is earned by those Party members who have no personal interests as against those of the working class and the Party, who are completely loyal to the Party, who have a high degree of Communist ethics and revolutionary qualities, who strive to master the theory and methods Marxism-Leninism, who have considerable practical ability, who can actually direct Party work, who are not afraid of serious study and hard work, and who become heroes and leaders in the Communist revolution because of the confidence and support they enjoy from the masses of people.

The struggle to change the present world into a Communist world cannot be carried out by one person however hard he may work. It can be carried out successfully only by the planned and combined efforts of millions of people.

Some Party members are contemptuous of technical work within the Party. Such an attitude is incorrect because technical work forms an important part of Party work, and because a Party should be ready and willing to do any work which is important to the Party whether or not he likes such work.

(iv) Other Comrades within the Party reflect the ideology of the exploiting classes. In their Party work and in their relations with other Party members, they behave like landlords, capitalists, imperialists and fascists.

These persons seek to develop themselves by holding down others. They are jealous of those who are more capable. They are not prepared to work under other Comrades and to take instructions. They secretly rejoice when other Comrades fail in their political tasks and their moral standards and conduct. They indulge in gossip and spread false information about their Comrades. They are the characteristics of exploiting classes and are alien to the working class and the Party; they should be exposed wherever they are found.

The working class is entirely different from the exploiting class. It does not exploit others nor does its interests conflict with those of the Party and other workers or exploited masses.

The outlook and thinking of the working class are altogether different from those of the exploiting classes. In dealing with the enemies of the people they are merciless and uncompromising.

But in dealing with their Comrades, they are always inspired by love and desire to assist. They are strict with themselves but lenient towards other Comrades. They are strict and firm on matters of principle and always adopt a frank and serious attitude. This is the outlook of the working class and should be learnt and developed by every Party member.

(v) Some Comrades still have bureaucratic tendencies. They like to run the Party by issuing edicts and directives without consulting Party organisations and without taking into account the views of their comrades. They resent criticisms and are very harsh in

dealing with other Comrades. Such weaknesses are un-Marxist and every Communist should strive to overcome them completely.

Furthermore a Party member should be broadminded and concern himself always with the overall situation when dealing with problems. He should avoid pettiness and unprincipled discussions. He should have a clear and definite standpoint and not be a fence sitter.

Although the Communist Party is the most progressive of all political parties, and although it fights for a society which guarantees happiness and prosperity to millions of people not everything in it is perfect. In spite of the fact that its members are the world's most conscious and progressive revolutionaries, with the highest sense of morality and righteousness, there are still defects in the Party and some of its members do not measure up to the qualifications of a Communist revolutionary.

The explanation for this state of affairs lies in the fact that every Communist Party emerges out of the very society whose evils it seeks to remove. Its members come from the various classes of that society and some of them bring into the Party the habits, prejudices and outlook on life of the class from which they came. It is precisely for this reason that Communist Party members must undertake self-cultivation. In addition to waging struggles against counter-revolutionary forces, the Party must carry on inner Party struggle against those comrades which are still influenced by the outlook and prejudices of the exploiting classes.

The working class is commonly referred to as the proletariat. The working class can be divided up into the three groups.

(i) The first group is composed of those who completely severed their ties with the capitalist class years ago. This is the core of the working class and are the most loyal and reliable.

(ii) The second group consists of those who only recently came from the non-working class, who came from the peasants, the middle-classes and intelligentsies. They are usually anorehistic and ultra-left.

(iii) The third group is composed of the working class aristocracy, those working class members who are best provided for, who earn high wages and whose economic position is comparatively high. They comprise easily with the enemies of the people, with the capitalistic class.

The attitude towards various erroneous ideologies in the party and inner-party struggle.—Some party members have a pessimistic view on things they see only errors, defects and a future beset with formidable difficulties and dangers. The growing strengths of the Socialist Camp, the powerful influence scerted by our Party in our own country and the certainty of the final victory of communism over capitalism, inspire them with no hope in the future.

Both views are wrong and un-Marxist. A Communist Party member knows that the Communist Party is the most progressive and most revolutionary Party in the world. He has complete confidence in the future and he dedicates his entire career to the cause of communism. In spite of this knowledge he realises most clearly that in our Party there are still various kinds of errors, defects and undesirable things. Furthermore, a Party member clearly understands the origin of these errors and the method to be used in removing them.

The following are the various kinds of attitudes toward undesirable things in the Party:

(i) To enjoy seeing errors and defects in the Party and to magnify them to undermine the Party. This is the attitude of spies and similar elements within the Party.

(ii) Some people consider that the existence of errors and defects in the Party is to their advantage and they deliberately help to spread them and to make use of them. This is the attitude adopted by opportunists and similar elements within the Party.

(iii) To leave these errors and defects undisturbed instead of fighting against them. This is the course followed by those members who have but a weak sense of duty towards the Party and who have bureaucratic tendencies.

(iv) To harbour violent hatred towards errors and defects and toward Party members whose political outlook is incorrect. They believe in bitter struggles among Party members and expel their comrades at the slightest pretext. This is the method used by Party comrades who do not correctly understand the methods of correct mistakes and weaknesses amongst comrades.

All these attitudes are incorrect and dangerous and should be scrupulously avoided by Communists. Our own attitude is as follows:

(i) We first analyse the situation most thoroughly and decide which views are correct and which of them are incorrect and dangerous to the Party. Once we are convinced of the correct opinion we firmly uphold it to the better and no matter how strong the opposition and how influential the individuals who hold the opposite point of view.

(ii) Having carefully analyzed the situation and have decided which is the correct opinion, we then devote our attention to the promotion and development of the correct viewpoint. We never allow ourselves to be influenced by an incorrect point of view.

(iii) Communists are men of action. In promoting and developing the correct viewpoint we also fight actively against all the undesirable things in life. A Party member who is afraid of action and hard struggle, however brilliant he might be, can never be a Communist revolutionary. A Communist must always, and under all circumstances, be ready and willing to conduct an active struggle against all forms of reaction.

(iv) Although a Communist never compromises on questions of principle, he never adopts an inflexible and mechanical attitude in his methods of struggle. The aim is always to reform and educate those comrades who still possess non-Communist tendencies.

(v) The elimination of undesirable tendencies in the Party and the building up of revolutionary qualities in our members enhances the discipline and prestige of the Party. Those Party members who fail to respond to the most patient persuasion and to efforts to educate and reform them should be expelled from the Party.

As indicated at the very beginning of this series, a Communist is a member of the Communist Party who understands and accepts the theory and practices of Marxism-Leninism as expounded by Marx, Engels, Lenin and Stalin, who subjects himself to the discipline of the Party.

A good Communist is therefore one who:

(i) is a member of the Communist Party, who is absolutely faithful and loyal to the party, who obeys without question all Party rules and regulations and who carries out all instructions issued by the Party,

(ii) has thoroughly studies the works of Marx, Engels, Lenin and Stalin, who under-

stands them clearly and who knows how to carry out their teachings in the struggles of the people to defeat capitalism and all forms of exploitation.

(iii) devotes all his time to one thing, and one thing only, the struggle against capitalism and for a Communist world.

(iv) in their relations with Party comrades are always inspired by love and sincere friendship and the desire to be helpful.

(v) are honest and upright and who are prepared to defend the truth at all times and under all circumstances.

Such is a good Communist.

ANNEX II—BIOGRAPHIES OF SELECTED ANC OFFICIALS

(Prepared by the Central Intelligence Agency and Declassified by Mr. William Casey at the Request of Senator Jesse Helms)

STEPHEN DLAMINI

Stephen Dlamini, president of the South African Congress of Trade Unions (SACTU) and a member of the ANC National Executive Committee, has opposed South Africa's white government for several decades. A communist, he has described his activities against Pretoria as directed not only against the government but also against imperialist powers in general and multinational monopolies.

Dlamini, 73, has been a member of the ANC and the SACTU since the early 1950s. He was convicted in 1964 of antigovernment activities and spent the next six years in prison. Dlamini was elected president of SACTU while in prison. He left South Africa in 1977.

MARTIN (CHRIS) HANI

Chris Hani, a member of the National Executive Committee since 1985, is deputy commander and political commissar of the military wing of the ANC. He has had nearly seven years of military training in the Soviet Union. Hani believes that the only way to change South Africa is through the intensification of the armed struggle. He has accused Pretoria of avoiding serious negotiations in order to "buy time."

Hani served as ANC representative to Lesotho during the early 1980s. While he was in Lesotho, his home there was bombed several times. Hani is about 42 years old.

PALLO JORDAN

A member of the National Executive Committee, Pallo Jordan is director of research in the ANC's Department of Information and Publicity. The South African Government has publicly stated that Jordan, 44, is either a Communist or an active supporter of Communism. He has made several visits to the United States on ANC business.

S.R. (MAC) MAHARAJ

Mac Maharaj, an Indian and longtime member of the South African Communist Party, plays a major role in ANC military and intelligence activities. He also has a hand in the information of the ANC's political strategy; he has been a leading participant in the ANC's recent meetings with delegations of the white South African businessmen, students, and opposition parliamentarians.

Maharaj, who studied law at the University of Natal, has been associated with the ANC and the SACP since at least the mid-1950s. He left South Africa in 1957 for the United Kingdom, where he taught for several years. He joined the Communist Party of Great Britain in the 1950s; and subsequently became a member of its executive com-

mittee. In 1964, Maharaj was convicted of sabotage and of furthering the aims of communism and was imprisoned on Robben Island. Immediately after his release in 1976 he was banned for five years. He fled the country in 1977 and resumed his political activities. He was elected to the ANC's National Executive Committee in 1985. He is 51 years old.

CASSIUS MAKE

Cassius Make, a member of the National Executive Committee, is political commissar of the military wing of the ANC. He is about 45 years old.

HENRY MAKGOTHI

A longtime member of the National Executive Committee, Henry Makgothi is secretary of education of the ANC. (The education department is under the office of the secretary general Alfred Nzo.) He has received training in the Soviet Union. Makgothi has been a member of the ANC since at least the 1970s. Makgothi is 57 years old.

THABO MBEKI

Thabo Mbeki, a member of the National Executive Committee, is one of the most visible officials of the ANC. He is the son of imprisoned ANC and South African Communist Party leader Govan Mbeki. Thabo Mbeki is hostile to many nonblack SACP members, such as Joe Slovo, because he resents their influence in the ANC.

Mbeki left South Africa in 1962 for the United Kingdom, where he attended Sussex University and later became an officer of the ANC's Youth Section. During the 1960's he was associated with the World Federation of Democratic Youths (a Communist-front organization). He held several posts in the ANC during the 1970s, including assignments as a political officer in the military wing and political secretary in the president's office. Mbeki, 44, has two brothers who are also prominent ANC members.

FRANCIS MELI

Francis Meli, a member of the National Executive Committee, is editor of *Sechaba*, an ANC magazine funded and published by the East Germans. The South African Government has publicly stated that he is either a Communist or a supporter of communism. A member of the ANC for more than a decade, he was educated in East Germany. Meli now lives in London and makes frequent trips abroad, including the United States.

JOE MODISE

Joe Modise is a member of the National Executive Committee and the commander of the ANC's military wing. Modise has belonged to the ANC since at least the late 1950s. Before leaving South Africa in 1964 he was involved in political activities in the Johannesburg area. Modise is about 53 years old.

ANTHONY MONGALO

Anthony Mongalo, a member of the National Executive Committee, has been the ANC representative to East Germany since 1978. He previously served as the ANC representative in Italy. Mongalo, 49, has stressed that the "socialist community" has proved itself as an ally of the ANC.

JOHN NKADIMENG

John Nkadameng, a member of the National Executive Committee, is general secretary of the South African Council of Trade Unions. Nkadameng is a Communist. He has described the Eastern bloc as the true ally of those struggling for national liberation and economic independence. Nkadi-

meng, who is now about 60, fled South Africa in 1976. During the late 1970s he served as ANC representative in Swaziland. In 1982 he was reassigned to Mozambique. His son was killed by a car bomb in 1985.

ALFRED NZO

Alfred Nzo, a self-avowed Communist, is the ANC's contact point with the Soviet Union and he frequently visits that country. A longtime member of the National Executive Committee, he has been secretary general of the ANC since 1969.

Nzo worked as a health inspector before joining the ANC in 1957. His subsequent political activism led to his banning in 1959 and detention in 1963. After fleeing South Africa in 1964, he served first as the ANC representative in Cairo (1964-67) and later in New Delhi (1967-69). He is a vice president of the World Peace Council and last year received a Soviet award, the Order of Friendship of Peoples. Nzo is 60 years old.

AZIZ PAHAD

Aziz Pahad has served on the National Executive Committee since 1985. He is one of two committee members who are of Indian ancestry. He also serves on the ANC's Political Secretariat. A South African political scientist who writes about the ANC lists Pahad as a possible member of the South African Communist Party. Pahad has written articles for the *African Communist*, the SACP publication. He has represented the ANC in London.

MZWANDILE (MZWAI) PILISO

Mzwai Piliso, a longtime member of the National Executive Committee, works out of ANC headquarters in Lusaka. Piliso, a Communist, has been a member of the ANC for more than 30 years. He has a long history of contacts with Communist-front organizations, including the Afro-Asian Peoples' Solidarity Organization. During the 1960s he served as ANC representative in Egypt (sharing the post with Alfred Nzo) and Tanzania. Piliso is 62 years old.

REGINALD SEPTEMBER

Reginald September, a Colored South African, has been a member of the National Executive Committee since 1985. He is a Communist. In 1961 September was jailed in South Africa for organizing a general strike. He went into exile in 1963.

JOE SLOVO

Joe Slovo is a longtime member of the South African Communist and the only white on the National Executive Committee. He plans military strategy for the ANC. Slovo advocates the violent overthrow of the South African Government and has publicly acknowledged his involvement in numerous terrorist actions directed against the white regime. He frequently visits the Soviet Union and strongly supports its position on all issues.

Slovo, a Lithuanian Jew, immigrated to South Africa with his parents in 1935, when he was 9 years old. He was already a Communist when he joined the South African Army in 1944. After serving in Italy and Egypt during the war, he returned home, where he subsequently earned a law degree from the University of Witwatersrand. Associated with the ANC since the late 1940's, Slovo helped draft its Freedom Charter in 1955 and was defense counsel at numerous treason trials during the 1950's. He himself was tried on treason charges in 1960, but he was acquitted. He fled South Africa in 1963. Slovo's wife, Ruth First, a prominent historian and Communist propagandist, was killed by a parcel bomb in 1982. Slovo was

elected to the National Executive Committee last year.

JAMES STUART

James Stuart, a Colored South African, has served on the National Executive Committee since 1985. Stuart has long been associated with Communist front groups, including the South African Congress of Trade Unions (affiliated with the Prague-based World Federation of Trade Unions) and the World Peace Council.

Since 1972 Stuart has lived in exile, initially in Zambia and Tanzania. For about five years, he has been the ANC representative in Madagascar. He is 50 years old.

DAN TLOOME

Deputy secretary general of the ANC, Dan Tloome, is a longtime member of the National Executive Committee and a high-ranking official of the South African Communist Party. During the early 1950s Tloome was the editor of the SACP magazine *Liberation*. In 1961 he was served with a banning order by the South African Government. Three years later he fled to Botswana. Tloome is 65 years old.

Mr. President, I reserve the remainder of my time.

Mr. LUGAR. Mr. President, I yield myself 5 minutes.

Mr. President, I rise in support of the amendment of the distinguished Senator from North Carolina.

The purpose of the amendment, it seems to me, is clear and commendable. It is an amendment that is antiviolence and, in my judgment, it is pronegotiation. It is clearly antiviolence on the face of it.

The Senator in drafting his amendment has indicated the policy of the United States would be to encourage various elements he has identified to proceed without violence. I think all Senators would share that sentiment.

Mr. President, more importantly, the Senator from North Carolina has proposed at least a series of steps to put some general pressure on all groups to come to the negotiating table.

This amendment is important for the balance of this legislation. I say that advisedly because there are many Senators in this body who want to see an end to apartheid, who want to see successful talks, but who are fearful that the bill as it was drafted weighs in too heavily on one side as opposed to the other. It will take both sides coming together to form an agreement, and a degree of pressure in order for that coming together to occur.

The Senator's amendment in my judgment is a very important factor in the success of this legislation.

Let me simply indicate that as we began the debate this morning, the distinguished Senator from Connecticut, Senator WEICKER, spoke to a basic issue. Senator DODD also has spoken on this issue. It is that we are hopeful that if this legislation is to send a strong signal, it will be supported by a very large majority of Senators. I

share in that hope. As a matter of fact, I have tried in the committee hearing and in our markup to fashion legislation that could cause many, many Senators, if not all Senators, to look sympathetically upon this endeavor.

The amendment by the distinguished Senator from North Carolina can be an instrumental factor in bringing about that large majority. So that there will be no doubt in the mind of any Senator about that possibility, let me state that I believe the creation of large majority in itself is a very desirable objective of this amendment and the sentiments it contains.

I would indicate furthermore that I have been pleased, along with members of my staff, to consult with the distinguished Senator from North Carolina about this amendment and various other amendments he has proposed. He has been most forthcoming in helping us draft language which expresses his sincere convictions and does so in a very straightforward way.

I would say that I believe the language he has adopted in this amendment is responsible language. It is direct language. It is understandable language. And it belongs in this bill if we are to speak with near harmony in this body to the Government of South Africa and to all the people of South Africa.

Mr. President, I strongly commend the attention of my colleagues to this amendment. I am hopeful it will have very strong support on our side of the aisle. We are prepared to accept the amendment. I appreciate that there are Senators who wish to be heard on the other side of the aisle and before the debate is concluded we shall see if we can reach some consensus. I am most hopeful we shall do so and do so promptly.

I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment. I would ask if someone would yield this Senator 10 minutes in opposition to the amendment.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be allowed to yield on behalf of the opposition to the amendment 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment, principally on the basis that it tries to equate the violence and the hurt imposed by apartheid with the activities of resistance by those to whom the hurts are being done.

Let us get some things straight which have been bandied about, not only by the introduction of this

amendment, but by statements made by others in our Government who keep on referring to the African National Congress and the fact that it is Communist-dominated.

That is just not so. That is not my opinion. That is the opinion of the Eminent Persons Group.

Are there Communists in the movement? The answer is yes.

I want to read the following, which is from the Eminent Persons Group who visited Nelson Mandela in prison this year.

MANDELA ON COMMUNISM

When the Commonwealth Eminent Persons Group visited Nelson Mandela in prison this year, the members of the delegation were struck by "the consistency of his views," and said that he told them his "principles were unchanged from those to which he subscribed . . . in 1955." The following is adapted from his statement from the dock in the Pretoria Supreme Court, where he was convicted of sabotage in 1964.

Another of the allegations made by the state is that the aims of the A.N.C. and the Communist Party are the same. The allegation is false.

The creed of the A.N.C. is and always has been African nationalism. The A.N.C. has never at any period of its history advocated a revolutionary change in the economic structure of the country. Nor has it, to the best of my recollection, ever condemned capitalist society.

The A.N.C.'s chief goal was, and is, for the African people to win unity and full political rights. The Communist Party's main aim, on the other hand, was to remove the capitalists and to replace them with a working-class government. The party sought to emphasize class distinctions whilst the A.N.C. seeks to harmonize them. This is a vital distinction.

It is true that there has often been close cooperation between the A.N.C. and the Communists. But cooperation is merely proof of a common goal—in this case the removal of white supremacy—and is not proof of a complete community of interests.

It is perhaps difficult for white South Africa to understand why experienced African politicians so readily accept Communists as their friends. But to us the reason is obvious. Theoretical differences amongst those fighting against oppression are a luxury we cannot afford at this stage. What is more, for many decades Communists were the only political group in South Africa who were prepared to treat Africans as human beings and their equals; who were prepared to eat with us; talk with us, live with us and work with us. They were the only political group which was prepared to work with the Africans for the attainment of political rights and a stake in society.

I turn now to my own position. I have always regarded myself, in the first place, as an African patriot. I have been influenced by Marxist thought. But this is also true of many leaders of the new independent states. We all accept the need for some form of socialism to enable our people to catch up with the advanced countries and to overcome their legacy of extreme poverty. But this does not mean we are Marxists.

From my reading of Marxist literature and from conversations with Marxists, I have gained the impression that Communists regard the parliamentary system of the West as undemocratic and reactionary. But,

on the contrary, I am an admirer of such a system.

I have great respect for British political institutions, and for the country's system of justice. I regard the British Parliament as the most democratic institution in the world. The American Congress, that country's doctrine of separation of powers, as well as the independence of its judiciary, arouses in me similar sentiments.

I have been influenced in my thinking by both West and East. All this has led me to feel that my search for a political formula, I should be absolutely impartial and objective. I should tie myself to no particular system of society other than socialism. I must leave myself free to borrow the best from the West and the East.

(Mr. COHEN assumed the Chair.)

Mr. WEICKER. In a few minutes, Mr. President, I shall read from the Eminent Persons testimony as given before the Senate. The fact remains that what we are confronting here is nationalism, a people who are oppressed in their own nation, who are slaves in their own nation. And when they dare raise their hand to the terrorism and violence that is imposed on them day after day; when they even raise their hands, their sticks, or their hoes against the troop carriers and the machineguns and the security forces of the State; when they raise their hands or their pitchforks or whatever—horror; that is violence we cannot stand.

As a Nation, if indeed, we are to assist in this peacemaking process—I heard the President in his press conference the other night exclaim how there was press censorship, differentiating between South Africa and Nicaragua. The President saying how there is press censorship in Nicaragua. Press censorship in Nicaragua? What is it that is happening in South Africa? Ask our own news media—electronic, printed, whatever, gets kicked out of South Africa, where you have a total press embargo. Press censorship? The past masters sit there in Pretoria.

Then he commented about the opposition to the clergy in Nicaragua. Opposition to the clergy? How would you like to have your church services, day in, day out, supervised and/or obliterated by the security forces of South Africa?

And what were the patriots in America supposed to do when the English occupied us? Sit back and take it? I do not think there is any comparison.

This is why I oppose the amendment of the distinguished Senator from North Carolina. To equate the reaction to oppression by the blacks of South Africa with the terrible injustices and inhumanity imposed by that regime in Pretoria—which is in effect what we do if we accept this amendment—that is my problem and I imagine the problem of a few other Senators on this floor.

To reject violence? I have no problem with that. But if violence is to be

set on a scale as between the violence and terrorism of the South African Government compared to the feeble reaction by the blacks, there is no comparison. One end of the scale, indeed, is on the floor.

Nobody in the Senate of the United States cares to go ahead and engage in any activity which encourages one side or both sides toward the end of violence. But I do not want them to be able to sit in South Africa and say the Senate acted, but it acted in such a way as, believe me, this black majority is as much at fault as is the government in Pretoria. That would be wrong.

In the testimony of General Obasanjo, one of the Eminent Persons Group from the British Commonwealth, Senator Kennedy asked the following question:

Chairman KENNEDY. General, I just have one final question. I note that Senator Weicker has one or two concluding questions. And that is with regard to the ANC.

There are those that say members of Congress and the Senate and American people that are supporting strong economic measures are really working in harmony with the ANC and that that is basically a Communist-front organization. Therefore, that those who are really committed to democracy should reject both the ANC, its policies, and the policies of those who may be in harmony with the ANC.

How do you respond to the allegation that the ANC is basically a Communist-front organization that is a terrorist organization and that is committed to continued violence and disruption? I suppose that's put in about as hard a way as you could put it.

General OBASANJO. Thank you, Senator.

I raised that same question with Mr. Nelson Mandela. He gave me an answer, and in front of the whole group, an answer—Well, Nelson Mandela, of course, was the leader of ANC, who has been sentenced to life imprisonment. He's spent 24 years there and has recently celebrated his 60th birthday. Now he said that in 1947 he headed the move to rid the ANC of Communist elements. And that it was those who were opposed to Communists that, in fact, defeated him and his group because they said that the ANC is democratic movement. And in a democracy you do not ban—or fail a radical's idea by banning them. You do it by force of persuasion.

And that the ANC is like the British Parliament where the only thing you need to be a member of is to win an election. And the only thing you need to be a member of the ANC is to be opposed to apartheid. And he said to us that if in 24 years that he has been put in prison—and the government has not got him to say what he does not believe in, how can anybody think that the Communists will get him to do what he does not believe in?

And he referred to Oliver Tambo and said, "You know Oliver Tambo? We have been childhood friends. Do you see him as a Communist, or is Oliver Tambo the kind of man that the Communists would put up as a front? And he will accept that position? No," he said.

He agreed that there are people in ANC who have been in the Communist party before. He did not deny that. But he said they are much less in number than the number that the government quoted.

He also said that the only document that the ANC has now to work with is the Freedom Charter. And for that document, the ANC was taken to Court. The Court absolved them that that document is not a Communist document. And they won that case in Court. And he referred us to the latest writeup on the ANC by Professor Lodge which is very, very instructive, and which is very up-to-date.

It talks about the ANC executives, which of them has any Communist connection in the past and which of them have no Communist connection. If one goes by this really, the cry that ANC is a Communist organization, it's absolutely baseless.

Mr. President, let us not fog up this issue and let us not draw parallels that have no basis in fact. Did we work with the Communists to get rid of Nazi Germany? Yes, we worked with the Communists to get rid of Nazi Germany. And nobody asked us about our allies at that time. Nobody asked us about our allies at that time. Now, if you want to leave the ball field to the Communists in Africa, then all you have to do is to align us with apartheid or say that the responsibility sits equally on two shoulders. Really? Why, the blacks cannot even step up into parliament or a senate or a house or whatever and speak their piece peacefully. They have some courts to turn to. They cannot contest this policy in a parliamentary way, in a constitutional way.

□ 1310

What this amendment says is they are supposed to sit there and take it. Well, I came here in 1970, as I indicated this morning, and everybody said, "Don't worry, apartheid is so bad it has to go away." It has not gone away and it gets worse and it gets worse and it gets worse. And if that is our perception here in the comfort and safety of the United States, what is the perception on the part of the mother whose children are starving or beaten and tortured to death, where there is no opportunity for a job, where there is no food, where there is no say in their own land?

It is precisely because we do not want to see the resolution of this problem by the Communists that we offer these sanctions, in the hopes that the government will change its point of view and will negotiate with Nelson Mandela and the ANC and all other black groups.

But the first recognition that has to come to pass is the responsibility for what we see today, the responsibility of the government in Pretoria and not those on whose neck they have their foot.

So to use the scare tactic, and it has been used, we want to make sure we are not going to go ahead and have the Communists take over, if that is what we want to be certain of—and that is what we want to be certain of—then let us work with those whose land it is insofar as the majority is

concerned and try to achieve a peaceful solution, but in no wise give any comfort or aid by these types of resolutions to the fact that what has been done is all right, or that which is being done is all right, or that which will be done is all right, when compared to the ideals of this Nation and the ideals of all humanity. It is this generation's form of Nazism, pure and simple. It is totalitarianism of the worst kind. It is what we have gone to war for and what we have died fighting against. And rather than criticize those who would in their meagre numbers and in their pitiful way have fought for, their land and their loved ones, rather than criticize that or imply it by the virtue of resolution, let us pass this bill which makes it very clear that peace is what we seek, but we seek it in terms of justice and the facts.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we on this side of the aisle are unable to accept this amendment. If this amendment were limited to condemning violence initiated by the African National Congress, condemnation of violence or initiated violence, there would be no problem; but the amendment really does a great deal more than that.

If we look on page 2 of the amendment, paragraph (c), it makes the U.S. policy toward apartheid dependent really on the actions of the ANC. That, I think, is unacceptable for us. It suggests in fact that our opposition to apartheid would decrease to the extent that ANC violence increases. In other words, if ANC violence increases to a substantial degree, we would then decrease our objections to apartheid. But if it should drop down, then we would do just the opposite. I do not think we can have American policy dependent upon any foreign group, the ANC or any other group, and for that reason I think this amendment itself is unacceptable.

The amendment also is a bit vague about what constitutes terrorism and violence. Does self-defense against the government instigated violence, for example, constitute violence to be condemned?

In fact, the amendment says nothing about government-inspired violence, nor does it touch on the fact that the ANC has agreed to quit its violent tactics if the Government will do the same.

So while recognizing the basic good intent of the amendment and knowing of the desirability of trying to secure a bill here that would meet general acceptance, I still believe this amendment as written would be unwise and

must recommend to my colleagues that we defeat it.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON addressed the Chair.

Mr. PELL. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, I want to say a word against the pending amendment. In my view it equates the oppressors with the oppressed, and that is not appropriate. It would advance evenhandedness, but I do not think we can be evenhanded when dealing with such an evil as apartheid. We have to be very, very clear where we stand and how we feel.

The amendment suggests that apartheid, with all its evils, is not basically different from those who are fighting against apartheid, and I think most of the Members of this body and most Americans know better, and I trust we will reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 3 minutes to myself.

Mr. President, I appreciate the fact that many Senators are present here who are deeply involved in this question, and I speak to them as well as to other Members who are not here and who may come on the scene.

I am hopeful that Senators will re-evaluate their thoughts about this amendment and read it more carefully. Certainly the drafter of the amendment, the distinguished Senator from North Carolina, can make this argument but I want to make it initially because in all modesty he might not wish to press the virtues of what he has drafted here.

In short, this amendment is not simply an evenhanded idea that on the one hand you have apartheid and on the other the ANC, and that there is something wrong with both and they ought to get together in some harmony. That is not what the amendment says at all. It says simply, and I read the exact words, "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 in meeting the goal"—and that is to get into negotiations—"but also to reflect progress or lack of progress made by the ANC and other organizations of meeting the goal set forth in subsection (a)," namely, the end of violence. It says there will be an adjustment. It is not a weighing of the scales. It is an obvious commonsense statement.

The people of this country condemn the violence of necklacing. They condemn the actions that they have seen on the TV screens of this country. There is no need to go through the

lity of apartheid to come to some conclusion that leads you to say that necklacing is wrong. This amendment says that. And we reflect that. We say that.

But having said that and having condemned that violence, the amendment very clearly calls for negotiations. The pressure is there on the Government to talk, to talk to all groups, not just the ANC, but every other group. It is a comprehensive amendment, I think a well-drafted amendment.

Now, Mr. President, I have a feeling that Members are almost straining for arguments to find something wrong with this amendment. I do not think the speeches made on the amendment pertain to this specific language, which has been carefully honed over a matter of days to come to this particular formulation. It is an important amendment for the success of this bill, and if for no other reason all Members ought to consider that very carefully—I say again for the success of this bill, for the success of the endeavor of our statement against apartheid. So I ask Members to re-read the language, be generous in their assessment of the amendment.

I yield the floor.

The PRESIDING OFFICER. Time has expired.

Who yields time?

Mr. PELL. I yield 2 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, let us make very clear what this amendment says. I am perfectly willing to sit down and see if we can make it a better amendment, but it says:

Suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible.

Terrorist activities are terrorist activities, if you want to say suspend terrorist activities in the Government of South Africa. Because it is a government makes its activities no less terrorist, as if there are two terrorist activities going on here.

□ 1420

It then goes on to indicate: "supporting the rights of all South Africans to be free of terrorist attacks." The ongoing terrorist attacks of the Government of South Africa.

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.

Do you want to put in: "The United States recognizes that the Government of South Africa has become infiltrated by fascists and that fascists serve in the Government of South Africa"? Do you want to put that in there so it will be clear?

No, the implication is clear: That those who are downtrodden are the terrorists and that they are Commu-

nists, and then there is the Government of South Africa. That is what is wrong with this amendment.

I would be glad to sit down so that we can get some of this inflammatory language out of here.

If it is going to be evenhanded, let us not start pointing the finger at the Communists and saying who is being infiltrated by Communists. If that can be done, possibly an amendment can be worked out.

To me, this is very clear: It is an attempt to counterbalance the sense of justice without demagoguery, no knowledge whatsoever as to what exists on the other side. I do not mean that in terms of the sponsor of the amendment, because I have seen this language used nationwide in discussion of the subject by many people.

The problem here is totalitarianism, not communism. The problem is a government that has created a situation that is abominable to the ideals of this Nation. That is the issue before us.

If we going to put this kind of language in that amendment that calls for peace and evenhandedness, I have no quarrel with that. Then I suggest that we sit down and take a careful look at the language contained herein; and before we go to a vote, I would suggest the absence of a quorum, without interfering with any other Senator's right to speak.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. The distinguished Senator from North Carolina controls the time.

THE ANC IN THE SANCTIONS EQUATION

Mr. DENTON. Mr. President, I support the amendment offered by the distinguished Senator from North Carolina, Mr. HELMS. Like most of my colleagues here today, I am opposed to any continuation of the vestiges of apartheid that yet remain in South Africa and seek its complete elimination and the peaceful transformation of South African society into one in which all South Africans, regardless of race, have a voice in their governance and adequate protection for their individual rights and civil liberties. Ultimately, of course, the decision about the form that that society will take must be made internally by the South Africans.

In the fashioning of our policy toward South Africa, I believe that it is essential that we understand the complexities of the South African crisis, lest we undercut those, like members of the business community, who have been in the forefront of the battle against apartheid, or inadvertently give tacit encouragement, if not outright moral support to those groups whose aspirations go beyond securing full political rights for the black majority to the destabilization and complete overthrow of the South

African Government, and its replacement with a Communist regime.

The people of South Africa will not benefit from that development. Neither can we afford that. The Helms amendment, of which I am a cosponsor, gives some balance to the legislation that we are considering today.

United States policy must clearly and unequivocally reject the revolutionary option and demand of all opposition groups, equally as much as we require it of the South African Government, their good faith, constructive participation in a peaceful process for change. If they continue to use harassment, intimidation, and murder to derail negotiations for political power sharing, we must respond.

A failure to do so can only lead to a repetition of the kind of costly foreign policy failures that we sustained in Vietnam, Cambodia, Iran, and Nicaragua, costly to ourselves but particularly so to the thousands who have been enslaved under Soviet supported totalitarian regimes. The Soviets have a particular interest in southern Africa, which Brezhnev so well described in Prague in 1973:

Our aim is to gain control of the two great treasure houses on which the west depends . . . the energy treasure house of the Persian Gulf and the mineral treasure house of central and Southern Africa.

For an outline of Soviet active measures in southern Africa, I refer this committee to a 1982 report of the House Select Committee on Intelligence. Included in the report is a Soviet document obtained by the FBI. I have it here for submission to the RECORD and believe that my colleagues will find an interesting correlation between events in South Africa and the stated Soviet agenda.

Mr. President, as chairman of the Judiciary Subcommittee on Security and Terrorism, I have followed internal events in South Africa quite closely, particularly the activities of the African National Congress [ANC]. I make note that many of those who advocate sanctions also believe that the African National Congress presents a real alternative to the present South African Government, and a concerted campaign is underway to broadcast that organization as the patient, long-suffering, black nationalist movement that it once was.

Unfortunately, although many South African blacks and whites who express support or sympathy for the ANC may share our vision of a peaceful transition to a government based on the consent of the governed, which protects the rights of all, evidence presented in 1982 before my subcommittee clearly established that the ANC leadership does not.

The brave testimony of several witnesses, coupled with numerous original ANC documents, irrefutably estab-

lished the degree to which the goals, strategies, and leadership of the South African Communist Party [SACP] and the ANC are integrated. One of our witnesses, Bartholomew Hlapane, who had held top leadership positions concurrently in the ANC and the SACP, was murdered within weeks of the publication of our hearing report, because of his testimony. The ANC publicly took credit for the assassination, which also left Bartholomew's wife dead and one of his young daughters, Brenda, a paraplegic.

We have tried to acknowledge our debt to Mr. Hlapane for his courage and commitment to a free future for his people by looking out for his children. Two daughters Charmaine and Audrey, are now studying in Alabama, thanks to the contributions of many generous people.

If anything, the evidence that has become available since the 1982 hearings on ANC intentions and links to the Soviet bloc and international terrorists groups further substantiates our conclusions. At its first party conference in many decades, the watershed Kabwe Conference of June 1985, the ANC acted to expand Communist influence on its national executive committee. Roughly two-thirds of the committee are now SACP members or Communist advocates. The U.S. intelligence community has provided the subcommittee with detailed classified information on SACP influence in the ANC.

In the intervening years since our hearings, the ANC has also acted to solidify its ties to its foreign allies. Virtually all of its material support, estimated at \$80 million, comes from the Soviet Union. Furthermore, it conducts a persistent anti-Western rhetorical campaign, which includes generous expressions of solidarity with the Marxist-Leninist regimes in Vietnam, Nicaragua, Afghanistan, and others. Last week, a high-ranking representative of the Iranian Government met with Oliver Tambo in Lusaka to strengthen relations between Iran and the ANC.

I think that Alfred Nzo, secretary general of the ANC, explained the ANC's foreign alignment best in a contribution to the World Marxist Review in December 1984:

. . . the ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad are friends we can rely on. This struggle is part of the overall anti-imperialist struggle . . . The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forays . . .

We express our solidarity with all those who uphold their legitimate rights and rebuff attempts on their countries' sovereignty and independence. We support the

courageous Palestinian people who are repelling the imperialist and Zionist aggression and affirm that the objectives of the Palestine Liberation Organization and the African National Congress are similar. The ANC supports the peoples of Nicaragua, El Salvador, Chile and Lebanon in their struggle. We urge greater unity of the democratic and progressive forces fighting off the imperialist onslaught in all parts of the world.

The statement gives only a hint of the ties that exist between the ANC and the PLO, a relationship that has existed since at least the early 1970's. In 1981, ANC cadres received training from the PLO in Mozambique. In 1982, further training was conducted in Tyre, Lebanon, and as I understand it, the PLO offices in Zimbabwe, Mozambique, and Zambia serve as communication and supply links for the ANC.

The ongoing PLO-ANC alliance has finally become serious enough to draw the attention of the Anti-Defamation League of the B'nai B'rith. Its May 1986 bulletin carries a revealing article by Nathan Perlmutter and David Evanier. I ask that it be included in the RECORD of this hearing and urge all of you to review it for additional detail on the issue of the ANC and its alliances.

Mr. President, there is further cause for us to reject the notion that the ANC provides a respectable solution to South Africa's internal problems. The African National Congress is openly committed to revolutionary armed struggle. I refer you to only one of many statements by the ANC leadership on the subject. On July 23, 1985, Oliver Tambo, the head of and a so-called moderate in the ANC, declared:

Our own tasks are very clear: To bring about the kind of society that is visualized in the Freedom Charter we have to break down and destroy the old order.

In the Harare Star Africa of July 2, 1985, Tambo commented on the ANC's view of negotiations.

In any case, even if there were talks and if we thought the time had come for talks with the Pretoria regime, we would not abandon the armed struggle. We would simply carry on.

Not surprisingly, ANC statements are totally consistent with SACP objectives. For example:

In the first place our objective is not to work for the regime's abdication but to bring about its revolutionary overthrow. Umsebenzi, Vol. 2, No. 2, 1986.

It is, therefore, not unusual that at the Kabwe Conference the ANC announced the beginning of a new operational phase in its campaign to destroy South Africa, or that the military decisions taken there have resulted in an upsurge in classic terrorist activity aimed at whites in South Africa and in an increase in black on black violence in the townships.

This year, 1986, was declared the year of the People's Army, Umkhonto We Sizwe, the Communist led military

wing of the ANC. Tambo called for an intensification of the people's war, and he announced that "the distinction between 'soft' and 'hard' is going to disappear in an intensified conflict."

The precise meaning of that declaration has only recently become apparent in the latest series of bombings and limpet mine explosions. The ANC has not only abandoned its practice of minimizing casualties, it has turned to deliberately targeting civilians—women and children—for attack.

As the South African Government has moved toward political accommodation, sacrificing a third of its own political support and exciting Afrikaaner extremists, and as the international community has responded by adopting policies to further isolate and discredit the presently white-dominated parliamentary government, the ANC has reaffirmed its active commitment to revolutionary armed struggle.

Mr. President, the most horrifying aspect of the armed struggle is that now taking place in the black townships themselves. A careful reading of press accounts would leave one with the impression that by far the majority of the township violence is comprised of largely unprovoked South African police attacks on innocent anti-apartheid protesters. I believe that the facts do not support that contention.

Recent published figures indicate that 284 blacks were killed by radicals between March 1986 and June 1986; 172 of them were by the gruesome "necklace." The total figure represents 65 to 70 percent of all black violent deaths. The South African police were only responsible for the remaining third. Some evidence suggests that at least some of the black-on-black violence is the product of roving street gangs. I do not believe that the ANC can be relieved of complicity in this violence.

The ANC has repeatedly called for the townships to be made ungovernable and urged retaliation against anyone who collaborates with the government. The definition of collaboration is very broad, and retribution is not limited to attacks on the so-called collaborator himself—like the 11-year-old boy who was hacked to death in May of this year because his father was a town councilor in Port Elizabeth.

Newsweek reporter Richard Manning reported on June 6, 1986, that collaboration includes almost any comrade-perceived sin. "Township officials and black policemen have been executed—but so have migrant miners, since mines are pillars of the system, and liquor store owners since they operate under Government licenses." He reports that an old woman who worked in a funeral home was necklaced because she sold funeral insurance.

Lest you question that the ANC could possibly be involved in encouraging the use of the so-called necklace, let me share with you a few more ANC statements.

On May 21, 1986, the CIA Foreign Broadcast Information Service reported that the ANC had repeated its call to "render the tricameral parliamentary arrangement unworkable and to isolate those who serve in it." As you may recall, an earlier such challenge resulted in the murder of a colored member of the South African Parliament.

An ANC press release issued in Lusaka on July 1, 1986, reads:

Let us turn every corner of our country into a battlefield * * * every patriot a combatant, every combatant a patriot * * * The charge we give to Umkhonto We Sizwe and to the masses of our people: attack, advance, give the enemy no quarter—an eye for an eye, a tooth for a tooth.

Nelson Mandela's wife recently promised, as reported in the April 14, 1986, Washington Post: "The power is in our hand—we have people's power * * * with our necklaces we shall liberate this country."

An ANC spokesman and South African writer, Alosi Moloi, stated during a meeting at a California State university on October 10, 1985, that "among us we have people who have openly collaborated with the enemy. You have to eliminate one to save hundreds of others." At the same meeting, Tim Ngubane, another ANC official, said, "We want to make the death of a collaborator so grotesque that people will never think of doing it."

Cassius Mandla, commenting on "collaboration" in the November 1985 issue of the ANC official publication, *Sechaba*, encourages necklacing by not condemning:

Life in the townships is no longer like it was before * * * Here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their homes and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess * * * Lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes.

It is clear to me that in its rhetoric and its call to make the townships ungovernable, the ANC has—at a very minimum—provided moral license and political cover for murder as a means to satisfy grievances. Among those grievances is rising black unemployment, which was at first the product of the recent world wide recession but is now sustained by the dislocations caused by the real and psychological effects of the international sanctions campaign.

I believe that the ANC is highly responsible for the black-on-black violence in the townships. I occasionally wonder about the role of some members of the United Democratic Front [UDF], as well. For example when I

read statements like the following from UDF executive member, Mr. Curtis Nkondo:

Anybody who does not want to join the liberation struggle must join the police. There is no such thing as the politics of neutrality.

The above statement sounds very much like the Marxist-Leninist terror that has engulfed Nicaragua, where everyone is forced to choose sides and where there is only one choice that is safe.

In conclusion, Mr. President, I would like to refer to a statement made by Oliver Tambo regarding the importance of international sanctions to the achievement of the ANC's objectives. He made it during his 1984 annual address, which was heavily cited in fourth quarter 1984 issue of another ANC publication, the *African Communist*.

Our revolutionary struggle rests on four pillars. These are, first, the all-round vanguard activity of the underground structures of the ANC, second, the united mass action of the peoples, third, our armed offensive spearheaded by Umkhonto We Sizwe, and fourth, the international drive to isolate the apartheid regime.

Mr. President, I urge my colleagues in this body to adopt the Helms amendment, which will send a clear signal to those black South Africans who have been at the mercy of ANC-instigated terror that we are on their side—not only in their attaining full political rights from the current South African Government, but in assuring that their dreams and aspirations are not stolen by those who have another agenda.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes and 7 seconds.

Mr. HELMS. I thank the Chair. I yield 4 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. BOSCHWITZ. I thank the Senator from North Carolina.

Mr. President, I say to my friend from Connecticut that the entire bill really is a condemnation of South Africa. This amendment, which we had a hand in drafting—and it may not be perfect with every word—does not seek to in any way alleviate that feeling or to change that impression. The entire bill condemns what is happening in South Africa and condemns the whole idea of apartheid, as we all do in the Senate of the United States. But there are other portions of this amendment that are very important.

The distinguished chairman of the Foreign Relations Committee has spoken about one section. Let me read another section:

"(c) It is the policy of the United States to support the negotiations with the represent-

atives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, and 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 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."

Certainly, that is not asking too much, and certainly that is a reasonable approach.

I know that my friend from Connecticut talks about this Government providing no food and no opportunity for jobs, and that is not the case. I am afraid if these sanctions are imposed, we, as a Senate, may be doing just that—taking away opportunities for jobs and causing some rather massive unemployment in that part of the world.

This is an amendment that is intended to bring the parties to the table, and during that time at the table, they not engage in violence and not engage in the kind of acts that do not make negotiations possible. If negotiations are going to be successful, it is not unreasonable to say that violence should be suspended during such negotiations. There is certainly a great deal of precedent for that in international law, that negotiations take place during ceasefires; that during the terms of negotiations, violence and other forms of killing and mutilation should end.

That is why I support this amendment, because we, as a Senate and as a Nation, not only should seek negotiations but also should seek an end to violence during the course of those negotiations, to see that those negotiations have a reasonable chance of succeeding.

I thank the Senator from North Carolina.

Mr. HELMS. I thank the Senator for his comments.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes and 6 seconds remain.

Mr. PELL. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield to no one in this body and to no one in the Congress of the United States and to no American or any other person in this world about the issue of violence.

Mr. President, we are here on the floor of the U.S. Senate in a serious debate about the direction of American policy and with widely divergent

views about how that finest ideal can be expressed.

I deplore the violence of the IRA in Northern Ireland; I deplore the violence of the Chilean Government of Mr. Pinochet on political prisoners in Chile, and I deplore the violence of ANC actions in South Africa and terrorist organizations in Libya and in the Middle East and around the world.

I think we really do a disservice to try to somehow appeal to the best instincts of the American people, who deplore violence as a solution to political problems, to try to divert worthwhile and useful and important attention of this body in the final hours and days of this session, in somehow disrupting the legitimate purposes for which this legislation has been fashioned, and that is to express a series of sanctions against a regime which believes somehow that because one's color of the skin is different from their own—in this case, black rather than white—therefore, they can subject that population, that majority population, to a continued existence of slavery.

Mr. President, I hope this amendment will be rejected, for the reasons and the arguments that have been expressed so well by my colleagues here today. This amendment has absolutely no place on this legislation, and it deserves to be dismissed now, so that we can continue the debate on United States policy toward South Africa.

□ 1430

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished chairman of the Foreign Relations Committee will yield, I have a question about the amendment.

On page 4 of the amendment, line 6, I believe it is, it says:

On page 61, line 4, add the following new sentence: "None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities."

My question to the distinguished chairman and manager of the bill today is, who will make a definition of what a terrorist activity might be?

I do apologize if the chairman has answered that question previously in the debate. I was not present if he did.

Mr. LUGAR. Let me respond to the distinguished Senator from Arkansas that obviously the authorities involved in this educational pursuit on page 61 would be involved. I presume this comes in the section on scholarships for the victims of apartheid. Senators KASSEBAUM and LONG are interested in this issue.

There are persons who are responsible for making the selection of those

to begin the program. They would have to make the judgment.

I am sorry that I cannot define better who the administrator of the agency is. But it is this person at least who is going to be making the judgments.

Mr. PRYOR. I thank the distinguished Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LUGAR. I yield 2 minutes to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I am not certain. There may be some discussions going on with reference to this amendment. I want to indicate my support for the amendment with or without change.

I think all of us in this body without exception have made it clear, either through our votes or statements, or both, that we want to end apartheid, and I do not think there is any question about that.

I believe we have made it clear that we want to see a democratic system put in its place in South Africa.

We are not going to get an early end to apartheid by force. It is just not going to happen.

The South African regime has most of the guns. It has already shown how determined and, in the majority of cases, how ruthless it can be.

If we do see a new wave of violence, whether or not apartheid is brought down in flames, that is not going to lead to the kind of post-apartheid South Africa we want.

I think it is clear we are all against violence. Everybody has indicated that.

As I read the amendment, that is just what this amendment says. We all say we are against forces which want to impose a totalitarian system on others. As I read the amendment, that is precisely what it says and what it would do.

We all say we want negotiations among all responsible elements in South Africa to bring an end to apartheid. Again, as I read the amendment, that is precisely what it purports to do and what it says.

It seems to me it is an evenhanded amendment. Maybe there is some language, some would see as inflammatory. Maybe it could be changed; maybe it should be changed. I understand there may be some discussions going on in that event.

In my view, the amendment makes it a stronger bill, a stronger statement against apartheid.

I think it is fair to assume that we all are fairly certain what we wish to achieve. I do not believe we are certain whatever we do is going to reach the result that someone suggests will happen down the road.

Mr. KENNEDY. Mr. President, will the Senator yield on these points?

Mr. DOLE. I have a little bit of time left.

I have been listening to statements all week long on this floor. I have heard a lot of statements not only about South Africa, about Nicaragua, and nearly every other matter we had on the floor about who is more determined to something than some other person in this body or anywhere else.

I believe this amendment does encourage the ANC to give up violence.

As the distinguished chairman pointed out, we are going to adjust our policies depending on what happens. They are not going to adjust our policies depending on what happens. They are not going to determine our policy. We will determine the policy we will follow.

I would just suggest what I believe most Members in the Senate wants is the strongest possible vote to send the strongest possible message that we can. That is the goal of the distinguished chairman of the committee. That is the goal of the sponsors of this amendment. That is the goal of the original sponsors of the Weicker-Kennedy bill. I do not think anybody is in disagreement.

Maybe there is some way, if there is a difference, it can be resolved. If not, I do not see any great damage being done if the amendment is adopted.

Mr. KENNEDY. Will the Senator from Rhode Island be kind enough to yield 5 minutes off the bill?

Mr. PELL. I yield 5 minutes off the bill.

Mr. KENNEDY. Mr. President, I am really kind of surprised and quite frankly appalled that both the chairman of the Foreign Relations Committee and the majority leader of the United States Senate in talking about violence do not talk about the 2,000 blacks who have been killed, many of them tortured to death, many of them beaten to death in South African prisons, or the 10,000 detainees who are being held today as a result of the South African Government's policy of violence. No statement, no comment by the majority leader about that violence. No.

It is about the particular violent act of the ANC which I deplore and other Members of this body deplore.

But it is a very one-sided kind of comment that is coming from those who support this amendment.

No effort to try and condemn violence or to point out the violence of the Government in breaking up religious meetings, coming into churches and dragging out men of the cloth and imprisoning those individuals without notifying their families, of fining individuals and beating them to death in the prisons in that Government under virtually Government approval. No statement about that.

No tradition about American policy being related to that. Oh, no. Oh, no. But just take some individuals who are members of an organization who do commit acts of violence and tie this United States of America's foreign policy to their individual acts.

Mr. President, I think that is a one-sided and shameful rationalization justification for the amendment of the Senator from North Carolina, and it does not deserve this kind of support.

I would just ask the chairman of the Foreign Relations Committee: Was this brought up in the Foreign Relations Committee during the course of the deliberations on the amendment?

Mr. LUGAR. Let me respond to the distinguished Senator by saying that these ideas were brought up.

Mr. KENNEDY. My question is this amendment.

Mr. LUGAR. No, it was not offered.

Mr. KENNEDY. This amendment was not offered in the Foreign Relations Committee deliberation. Now we are having it offered here on the floor of the U.S. Senate. Make no mistake about it, this is the killer amendment. All of us knew that there would be those efforts that would be made here and all of us are very much aware about the various parliamentary processes and procedures and votes and other votes on these issues and questions. But make no mistake about it. This is the killer amendment. This is the killer amendment. There should be no mistake about it by the Members of this body.

I hope that it will be rejected.

I return the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I rise today in support of this amendment. It is well-settled that the South African Government is ultimately responsible for eliminating apartheid. However, it is equally important that antiapartheid organizations, such as the African National Congress, assist in this process by abandoning their terrorist activities. There is no question but that several members of the national executive committee of the African National Congress are committed to the violent overthrow of the South African Government. It is also a fact that some of these men have been tried for such crimes as sabotage and treason. We must recognize these antiapartheid activists for who they really are.

If these activists are genuinely committed to the establishment of a non-racial, democratic government, then they bear the responsibility of abandoning their terrorist activities. Mr. President, this amendment would require them to do just that. Terrorism and violence have no place in the establishment of a free and democratic South Africa. In addition, this amendment would require the ANC to re-

nounce further Soviet assistance and disavow Communists in the ruling hierarchies of these organizations. I urge my colleagues to support this measure.

Mr. HELMS. I yield to the majority leader such time as he may require.

The PRESIDING OFFICER. There are 3 minutes and 5 seconds remaining on the amendment.

Mr. HELMS. I thank the Chair.

Mr. DOLE. Mr. President, maybe I have been missing something. I thought this entire exercise was aimed at South Africa. At least the bill in my hand, S. 2701, and the contents of that bill, as I understand it, are aimed at the concerns expressed by the Senator from Massachusetts.

In fact there is a section that begins on page 54 "The policy toward the victims of apartheid." It is all there.

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.

It goes on and on talking about aid and what we intend to do, financial assistance, intervening at the highest levels.

So I just suggest that I heard all about the killer amendment yesterday. I think they were coming from our side. Funny what a difference a day makes around here. Now they are talking about killer amendments.

This is not a killer amendment. I do not believe those of us who offer amendments are any less concerned about the plight of blacks in South Africa than any other Senator in this body.

□ 1440

I suggest that we have an opportunity here to really send a message and to stop the division on this issue in the Senate.

So I hope that we can vote on this amendment. It seems to me, we ought to find out where the votes are and we ought to make that judgment and then we ought to proceed to other amendments. There are some 65 amendments that I can think of that are still pending on this particular piece of legislation.

It was my impression, by imposing sanctions on the Government of South Africa, we were indicating, in a rather measured fashion, that we were concerned about that government and about its policies and about treatment and about its detention of blacks.

Now, if there is something else we need to do, then I hope the Senator from Massachusetts will offer additional amendments. Then I think we could get on with the business at hand.

But I hope we could have a vote on this amendment.

I would say, apart from the amendment, sort of as an announcement to my colleagues, that following the vote on the amendment, I would ask all of my colleagues to remain in the Chamber so we might be sworn in for the impeachment trial of Judge Claiborne. It is important that we all be sworn. So, following the rollcall vote, if Members would just standby for, I would say, 2 or 3 minutes, then they can go back to their other duties.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Will the Senator yield to me?

Mr. WEICKER. Mr. President, I ask for 5 minutes off the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is interesting now to listen to both the majority leader and the Senator from North Carolina. I happened to have the good opportunity, as the guest of the chairman of the Foreign Relations Committee, to sit in during the Foreign Relations Committee deliberations. The Secretary of State was asked specifically—asked specifically by the Senator from North Carolina—whether we should not refuse to negotiate or even talk to the ANC and his answer was in the negative. He believed that there ought to be some opportunity for dialog. That is what the Secretary of State—their Secretary of State—their Secretary of State—has said.

So before we get overly pious about who is interested and who is not interested, I dare say that the Secretary of State's statement before the Foreign Relations Committee on this issue is diametrically opposed to what the majority leader and the Senator from North Carolina has said and, quite frankly, with due respect, the chairman of the Foreign Relations Committee, and this body should not have any question about it.

Mr. WEICKER. Mr. President, I ask the distinguished chairman if I might have 5 minutes off the bill.

Mr. LUGAR. I yield 5 minutes off the bill.

Mr. HELMS. Will the Senator yield for 1 minute?

Mr. WEICKER. Yes.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I thank the Senator from Connecticut.

Mr. WEICKER. Mr. President, I would like to direct my comments in the hope of some form of persuasion to my good friend, the distinguished

majority leader, since he seems to have joined on this amendment.

Let me give you an example as to what the problems are with the amendment. Reading from the amendment:

"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, and 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 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."

Now, you notice it does not say anything about the Government of South Africa, if they refuse. It does not say anything if they refuse to suspend violence. Indeed, the Eminent Persons Group stated that the Government of South Africa refused to suspend violence because they do not deem the actions of the government to be violent.

Now, you see what the problem is here. In other words, all of the very things that have brought us to this moment which, admittedly, I believe, by every Senator—Republican, Democrat, Conservative, Liberal—are violence.

That is not violence and that is excluded. That is what is wrong with this amendment.

Now, if you want to apply the same standard as to getting people into the negotiating table, the suspension of violence, then let us say both South Africa and the ANC and other groups. Fair enough. But why, when they refuse, should we go ahead and exclude the Government of South Africa? And we can do it under this amendment. They can engage in what they do not even deem as violence and they are free from that underneath this particular amendment.

So I hope, again, that we do not vote. I hope we have a few minutes to sit down and put our heads together, because I know the strong feelings of the distinguished majority leader, and they are akin to mine. We are not different. But I think after a careful reading of this amendment we would all agree what is sauce for the goose is not sauce for the gander in this amendment. And that is all we think it should be in order to go ahead and put it into a condition where it is fair to all parties.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield the remaining time I have on the amendment to the Senator from Maryland.

The PRESIDING OFFICER. There are 3 minutes and 6 seconds remaining.

Mr. MATHIAS. Mr. President, like everyone else here, I want to restrict my comments to a minimum.

This is an extremely complex subject, and by not addressing certain aspects of it at this moment, I do not intend to ignore or downplay the gravity of the crisis in South Africa, my opposition to the system of apartheid or our desire to see a peaceful transition to a democratic, multiracial form of majority rule.

I wish to focus on one aspect of the discussion in this country, the debate in this Chamber, a problem that continues to plague us, an obstacle which must be overcome if we are to exert effective pressure to bring about the kind of peaceful change that we all want to see.

I refer to perceptions of the policy of the United States on the part of the government of South Africa and on the part of the black majority and its leaders.

The United States must begin—very, very soon—to send a clear, constant, and united signal to the Government of South Africa. We're not doing that now and I believe that the confusion is a direct factor in the intransigence of Pretoria.

We must, as a nation, executive and legislative branch together, move beyond mere condemnation of apartheid and the tragic policies it fosters. We must act, firmly, promptly, convincingly, to disabuse the architects and governing authorities of South Africa of any notion that, as a recent visitor to the region put it, there is an umbilical cord to the United States; that, in the final analysis, "Washington is with us."

With this legislation, we have an opportunity to put together a more coherent, more active policy, a full-court press by this administration that has been lacking to date. Like many others here, I have no abiding belief in the effectiveness of sanctions. But this measure is not solely a list of sanctions. It is a statement, a political statement that includes some targeted sanctions, a statement of what we as a nation feel we should say and what we should do about an unfolding tragedy.

Some say we are interfering in another nation's affairs, and as a result should be careful about what we do. And I do not completely disagree with that. I do not agree that it is not our business, but I fully agree that we bear a heavy burden of responsibility. And we should, because as a great nation, as a nation committed to freedom and human rights, it is our business to be concerned with a persistent pattern of repression and inhumanity that threatens to undermine not only one important country but an entire

region. It is this concern that makes us responsible and requires us to act today; without it we would be irresponsible indeed.

We also should begin to send a clearer and more convincing signal to the nonwhite population of South Africa. We're not doing that now and I believe that the confusion is a direct cause of despair and disillusion among the politically voiceless majority in South Africa.

The only glimmer of light was offered recently by the Secretary of State, who said he recognizes that the African National Congress represents millions of black South Africans and that we should talk to their leaders.

A perception of U.S. support for the apartheid regime is reflected in many ways, but a comment by Frank Chikane, a popular churchman and a leader of the United Democratic Front, is telling.

People used to have a good image of the United States,

Mr. Chikane told the Wall Street Journal in May.

People have become suspicious of anything American. Even when the United States is doing something, it doesn't seem generated by any sense of commitment.

We must be ready to talk to all elements of the nonwhite majority in South Africa—to Chief Buthelezi, to leaders of the UDF and to leaders of the ANC. And the chief objective of this legislation is to encourage the leadership of the white minority to talk to the leaders of the nonwhite majority, to release them from detention instead of jailing them under martial law, to turn to dialogue and reconciliation before it is too late to do so.

One Senator from North Carolina has described at length some of the objections to talking with several parties in the nonwhite population. But I would suggest that he ignores reality—and is inviting the South African Government to continue to ignore reality—the reality that the African National Congress represents a significant percentage of the people of the country and may well gain the support of even more.

In its exhaustive study, the Eminent Persons Group concluded that the ANC is a necessary party to any meaningful negotiations. Its recent report said:

The open identification with the ANC, through banners and songs, in funerals and in churches throughout the country, despite the risks involved, supports the widely held belief that if an election were held today on the basis of universal franchise, the ANC would win it. Whatever the truth of that assertion, we nonetheless recognize that black political opinion is not monolithic. If therefore, the government is serious about negotiations, it must create conditions in which free political activity becomes possible, and political parties and leaders are able to function effectively and test the extent of their

popular support. Tragically, the whole thrust of government policy has been to thwart such legitimate leadership from emerging and destroy it where it does.

The Senator from North Carolina cites the number of Communists in the ANC and insists that no progress can be made in South Africa until these Communists are eliminated and the ANC renounces violence. I would agree with the Senator that little progress can be made as long as anyone resorts to violence and terrorism in whatever form—including the Government of South Africa whose armed forces often rely on firepower to enforce the will of a discredited political system. As for the number of Communists in the ANC, I would suggest that their number may increase in direct relation to the intransigence of the government in that country.

Some Senators have suggested that our legislation will penalize developing black nations around South Africa. But language in this bill calls for economic support to these states, to help them to become less dependent on South Africa and more insulated from the very punitive sanctions South Africa imposes on them—through punitive sanctions, through armed invasion.

We cannot shatter the perception in South Africa—among the black majority that we have no commitment to real change, among the white minority, that we will stand by them—by condemning apartheid, crossing our fingers and praying for change.

Just before he died, Theodore White wrote a short article about the meaning of our Declaration of Independence. In that article, he outlined the difference of opinion between Thomas Jefferson and John Adams over the lasting meaning of our own revolution. Adams argued that it was principally a declaration of American independence; Jefferson insisted that it had a more universal force. I think we must all recognize that Jefferson won that argument, and we must keep faith with the integrity of his argument.

"May it be to the world," he said of the declaration, "what I believe it will be, to some parts sooner, to others later, but finally to all, the signal of arousing men to burst their chains."

We cannot pick and choose the nations and peoples that have been aroused by our own experience. We must, in fact, reach out to help them do so. And I am confident that we can help them do so peacefully, constructively, with this legislation.

The PRESIDING OFFICER. The Senator's time has expired.

□ 1450

Mr. LUGAR. Mr. President, I yield 2 minutes off the bill to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I have just a few comments because I think this is an amendment that has caught some of us by surprise. On much of it, I think there would be general agreement. Certainly, I think we would agree that the African National Congress, and the Pan-African Congress should be trying to perform a more positive effort rather than the violence and other terrorist activities that they have been engaged in. We all support language that would be designed to bring a suspension of violence, and so forth. But as it moves ahead, I think that we realize we are engaged on both sides of this issue in trying to dictate from the United States what indeed the policy and the actions of the ANC as well as the South African Government can be. We set the conditions. We are setting out the guidelines and in such a finite way that we are not able to, I think, address the broader outlines of what we wish to achieve and what the President himself outlined—the unbanning of all political parties, the release of Nelson Mandela, and the beginning of negotiations. That, I think, should be the basic thrust. I personally would wish we could delete some of the additional measures that are outlined in the bill in return for not trying to be so specific in telling in this amendment what the ANC should or should not do. I do not think it serves us well, Mr. President, at this particular juncture to try to dictate the ABC's on both sides of the issue.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twelve seconds.

Mr. HELMS. Would the able manager of the bill allow me 3 minutes off the bill?

Mr. LUGAR. I yield 3 minutes off the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will try not to use even that much, and then we can go to a vote, the Senate willing.

Mr. President, the arguments that I hear from the distinguished Senator from Massachusetts, the Senator from Maryland, and others against this amendment are at best nonsequiturs. They have apparently not read the bill. Let us be very clear about one thing. This amendment does not lay a finger on the underlying bill. We do not touch it. All we are saying is, give balance to it. Otherwise, we are going to be inviting a bloodbath in Africa, and no solution. If that is what Senators want, let them be candid enough to say so. But let me illustrate what I am talking about as of now.

During the past 3 months, Mr. President, 242 blacks have been killed by

blacks. Out of that 242, 192 have been necklaced; that is to say, have had automobile tires hung around their necks, filled with gasoline and set afire. But the most poignant, distressing picture I have ever seen was that of a 6-year-old child who had a bicycle tire put around his neck and set afire.

I say to Senators, if you want that to continue, vote against this amendment, Senator KENNEDY. Vote against this amendment.

Mr. KENNEDY. Will the Senator yield?

Mr. HELMS. No. I will not. I did not interrupt the Senator.

Mr. KENNEDY. The Senator mentioned my name.

Mr. HELMS. The Senator referred to me as well in his remarks and I did not interrupt him.

Mr. KENNEDY. You can have a chance, too.

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The Senator must learn the rules one of these days.

Mr. KENNEDY. I know them.

Mr. HELMS. Questions were raised about how we know that the Executive Committee of the African National Congress consists, of the majority, of Communists. The answer is simple, I requested the CIA to declassify biographical sketches of the members of the ANC's executive committee. I put the information in the RECORD.

As for the necklacing, let me read from Winnie Mandela. On April 14 of 1986, she said:

The power is in our hands. We have the people's power. With our necklaces we shall liberate this country.

Does that not indicate the horror, the bloodbath, that will continue if this amendment is rejected? Mrs. Mandela makes clear that she has no intention whatsoever of stopping the terrorism of which she is a part.

Mr. President, I yield back the balance of my time, and I suggest that we vote.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I shall suggest in a moment the absence of a quorum and hope there still might be some colloquy on this amendment before we come to a decision.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1520

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is on the adoption of the amendment of the Senator from North Carolina.

Mr. LUGAR. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside and that the Senator from Kansas be recognized for presentation of an amendment. I advise Senators it is hoped that after recognition comes to the Senator a rollcall vote might ensue rapidly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Kansas.

AMENDMENT NO. 2735

(Purpose: To delete Section 308 of the bill)

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment and ask for its immediate consideration. It is proposed by myself, Senator WALLOP, Senator SIMON, and Senator WEICKER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for herself and others, proposes an amendment numbered 2735:

Delete Section 308 of the bill.

Mr. KENNEDY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for an inquiry?

Mrs. KASSEBAUM. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Did not our consent agreement require alternative amendments, that after one side offers an amendment, the other side would have an opportunity to do so with regard to the South Africa issue?

The PRESIDING OFFICER. The agreement did specify that. However, unanimous consent was just granted to the Senator from Kansas to proceed. The Senator from Kansas.

Mr. KENNEDY. Parliamentary inquiry. Is that consistent with both the spirit and the letter of the agreement from last week, that a consent agreement would be made to circumscribe the agreement from last week?

The PRESIDING OFFICER. A subsequent unanimous-consent agreement takes precedence over any prior agreement.

Mr. KENNEDY. But I am correct, am I not, that the agreement entered into last week, which this body agreed to, was that there would be alternative amendments on both sides?

The PRESIDING OFFICER. The agreement did so specify. The Senator is correct.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The subsequent agreement provided an exception.

Mrs. KASSEBAUM. Mr. President, if I may just briefly explain what this is about, because I believe it has approval on both sides of the aisle, it de-

letes a section of the committee bill pertaining to the restrictions on visas, and I think that we discussed this in committee. In fact, I offered this amendment in committee, believing that visa restrictions are a mistake. I think it very important to have access back and forth from the United States to South Africa, as well as South African officials or various members of the Government to the United States. All this would do is delete the section saying that the President would have the authority to restrict official visas.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I should apologize to the Senator from Massachusetts. I should have jumped up with greater alacrity and objected to the unanimous-consent agreement. In a spirit of comity, I had forgotten that for a moment. We are trying to get everybody together to be sworn in for the impeachment trial of Judge Claiborne. We were concentrating on getting Senators here for that. We viewed a vote as a good opportunity to do that. We understood this amendment was going to take little time. It is an important subject but the Senator from Kansas is never verbose and we would get Senators to the Chamber more quickly than would normally be the case.

I now support this amendment. I was dubious about it when we dealt with it in the committee, but I think we should support it.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. KENNEDY. Will the Senator yield?

Mr. LUGAR. Mr. President, let me just say, first of all, that I support the amendment of the distinguished Senator from Kansas. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I likewise wish to respond to the distinguished Senator from Massachusetts. It was the collective error of the ranking member and myself in overlooking that. As the Senator well stated it, we were hoping to have a rollcall vote to get Senators on the floor.

Mr. KENNEDY. Will the Senator from Kansas yield?

Mrs. KASSEBAUM. I would be happy to yield.

Mr. KENNEDY. I appreciate the comments of the Senator from Rhode Island. I think it is the first mistake I have seen him make in umpteen numbers of years, and as far as the Senator from Indiana with the exception of the endorsement of the last amend-

ment, I think I could almost say the same.

May I ask the Senator from Kansas, does she draw a distinction between governmental personnel and other citizens of South Africa? It seemed to me that one of the recommendations of the Eminent Persons Group dealt with the Government officials who, by and large, are bent upon a propaganda role rather than on individuals traveling across frontiers, which I would agree with the Senator from Kansas is something which all of us recognize as a very important and basic and fundamental right with certain kinds of exceptions in terms of the security of those individuals. But does the Senator draw any distinction, or does the amendment draw any distinction between those two different groups of people?

Mrs. KASSEBAUM. Mr. President, I say to the Senator from Massachusetts, I do not. I think that if we start down the path of trying to ascertain ourselves who should or should not have a visa, we would only invite retaliation. I believe it is important to leave that up to the discretion of the Secretary of State, who has the authority already to determine any issuance of visas which might be questionable.

Mr. KENNEDY. I ask the Senator then, does she agree with that same reasoning, for example, with Government officials from Nicaragua or from Cuba?

Mrs. KASSEBAUM. Mr. President, I really believe this should be a question in which there should be encouragement for travel, whether it be from Cuba or from Nicaragua, from South Africa, wherever it might be. I personally am one who does not believe we, in the Congress, should be here trying to determine any restrictions on visas.

Mr. KENNEDY. That applies then universally in the view of the Senator from Kansas as to all countries, the totalitarian regimes and the Communist regimes, that all of those personnel ought to be able to have the free right to travel, if I understand the Senator's position.

□ 1530

Mrs. KASSEBAUM. Mr. President, as the Senator from Massachusetts knows, there is already the authority that is invested in the Secretary of State to determine when he would issue a visa and when he would withhold a visa. This section pertains directly to the language that was stated in the bill, which would say that it would be possible to withhold the authorizing visas for officials of the South African Government who might be coming here.

Mr. KENNEDY. I thank the Senator from Kansas.

Mr. DOLE. Mr. President, I want to remind Senators to remain on the

Senate floor for a few moments after the vote, so that we can be sworn.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. We yield back our time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

YEAS—99

(Rollcall Vote No. 233 Leg.)

Abdnor	Glenn	Melcher
Andrews	Gore	Metzenbaum
Armstrong	Gorton	Mitchell
Baucus	Gramm	Moynihan
Bentsen	Grassley	Murkowski
Biden	Harkin	Nickles
Bingaman	Hart	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Pressler
Broyhill	Hecht	Proxmire
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Byrd	Helms	Riegle
Chafee	Hollings	Rockefeller
Chiles	Humphrey	Roth
Cochran	Inouye	Rudman
Cohen	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Simon
Danforth	Kennedy	Simpson
DeConcini	Kerry	Specter
Denton	Lautenberg	Stafford
Dixon	Laxalt	Stennis
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Trible
Eagleton	Mathias	Wallop
Evans	Matsunaga	Warner
Exon	Mattingly	Welcker
Ford	McClure	Wilson
Garn	McConnell	Zorinski

NAYS—0

NOT VOTING—1

Goldwater

So the amendment (No. 2735) was agreed to.

□ 1550

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if we could have order.

The PRESIDING OFFICER. Will the majority leader withhold?

Senators will please take their seats. Those who desire to converse, please adjourn to the Cloakrooms. Would Senators please take their seats?

The VICE PRESIDENT. The Senate will be in order. Senators are asked to

take their seats so the Senate will be in order.

The majority leader is recognized.

Mr. DOLE. Mr. President, I would just indicate this will not take over 10 or 15 minutes to complete the full action that we can do at this time. It is important. I would ask our guests and staff and Members if they could accommodate the Chair and remain silent.

THE IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

Mr. DOLE. Mr. President, I move that the senior Senator from Mississippi, Mr. STENNIS, who is the senior Senator in point of service in the Senate, be now designated by the Senate to administer the oath to the Vice President, who will be the Presiding Officer of the Court of Impeachment when he is present, and to the President pro tempore, Mr. THURMOND, who will be the Presiding Officer of the Court of Impeachment in the absence of the Vice President.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. You do solemnly swear that in all things appertaining to the trial of the impeachment of Harry E. Claiborne, a judge of the U.S. District Court for the District of Nevada, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

Mr. THURMOND. I do.

The VICE PRESIDENT. I do.

Mr. DOLE. I thank the distinguished Senator from Mississippi.

Mr. President, at this time the oath should be administered to all the Senators. If any Senator has cause to be excused from this service, now is the appropriate time to make that known. If there is no Senator who desires to be excused, I move that the Presiding Officer administer the oath to the Senators, so that they may form a Court of Impeachment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. Senators shall now be sworn.

You do solemnly swear that in all things appertaining to the trial of the impeachment of Harry E. Claiborne, a judge of the U.S. District Court for the District of Nevada, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS: I do.

The VICE PRESIDENT. Any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make the fact known to the Chair so that the oath may be administered as soon as possible to the Senator.

The majority leader.

Mr. DOLE. I thank the distinguished Presiding Officer.

The Secretary will note the names of the Senators who have been sworn, and will present them for signature a book which will be the Senate's permanent record of the swearing-in of the Members of this body.

Mr. President, on behalf of myself and the distinguished minority leader, Mr. BYRD, I send to the desk a resolution for the issuance of a summons with respect to the articles of impeachment against Judge Harry E. Claiborne, and ask for its immediate consideration.

Mr. President, now that the oath has been administered, the next procedural step in these impeachment proceedings is to provide for the issuance of the summons to Judge Claiborne. The summons directs the impeached officer to answer the articles of impeachment within a designated time and thereafter to abide by and obey the further orders, directions, and judgments which the Senate shall make. In accordance with the practice of prior impeachment, the managers on the part of the House will have the opportunity to file a reply, formally known as a replication, to the answer. The Sergeant at Arms will serve the summons on the impeached officer.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 480) to provide for the issuance of a summons and for related procedures concerning the articles of impeachment against Harry Claiborne.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution (S. Res. 480) was agreed to, as follows:

Resolved, A summons shall be issued which commands Harry E. Claiborne to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 15, 1986.

SEC. 5. The Secretary shall notify counsel for Harry E. Claiborne of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and

in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

Mr. DOLE. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, on behalf of myself and the distinguished minority leader, Mr. BYRD, I send to the desk a resolution for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Judge Harry E. Claiborne, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk reads as follows:

A resolution (S. Res. 481) to provide for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Harry E. Claiborne.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution (S. Res. 481) was agreed to as follows:

S. Res. 481

Resolved, Pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and the Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 5. The Secretary shall notify the House of Representatives of this resolution.

Mr. DOLE. Mr. President. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, this resolution, which the distinguished minority leader, Mr. BYRD, and I believe will facilitate the Senate's ability to render a fair and informed judgment at the impeachment trial of Judge Harry E.

Claiborne, involves the first utilization of a procedure authorized by rule XI of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials.

Rule XI provides in part "(t)hat in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of twelve Senators to receive evidence and take testimony. * * * the committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee. * * * The rule explicitly preserves "the right of the Senate to determine competency relevancy, and materiality." The rule also specifically reserves the right to the Senate to hear directly the testimony of witnesses by providing that "Nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by Order of the Senate having the entire trial in open Senate."

The history of rule XI, which was debated in 1934 and adopted in 1935, makes clear that the drafters did not intend to substitute the committee's judgment for that of the Senate on the ultimate question of whether the impeached official should be convicted. The committee is not to make any recommendation to the Senate on that question.

Through these means the full Senate retains "the sole power" to determine the facts and law in an impeachment trial. As Senator Norris stated during the Senate's consideration of rule XI, the Senate would only be "delegat(ing) to a committee the tedious task of taking the evidence * * * the trial of the case would take place in the Senate, the evidence would be offered here, and the Senate would pass on it."

□ 1600

Rule XI presently provides that the committees shall consist of 12 members who shall be appointed by the Presiding Officer. The distinguished minority leader and I have agreed that each of us will recommend six members to the Presiding Officer. Rule XI further provides that the members of the committee shall elect a chairman. We recommend to the committee that it also elect a vice chairman from the other party.

I recommend to the Presiding Officer the following Senators for appointment to the committee under impeachment rule XI: Senators MATHIAS, HATCH, WARNER, RUDMAN, PRESSLER, and McCONNELL.

Mr. BYRD. Mr. President, on behalf of the minority, I recommend to the distinguished Presiding Officer that the following Senators be appointed to serve on the committee of 12 under

impeachment rule XI: Senators HEFLIN, DECONCINI, SARBANES, PRYOR, GORE, and BINGAMAN.

The VICE PRESIDENT. Senators MATHIAS, HATCH, WARNER, RUDMAN, PRESSLER, MCCONNELL, and Senators HEFLIN, DECONCINI, SARBANES, PRYOR, GORE, and BINGAMAN are hereby appointed to be members of the committee appointed under impeachment rule XI.

Mr. DOLE. Mr. President, I ask unanimous consent that the articles of impeachment, the writ of summons, and the precept be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles of impeachment, the writ of summons, and the precept are printed as follows:

H. RES. 461

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 22, 1986.

Impeaching Harry E. Claiborne, Judge of the United States District Court for the District of Nevada, of High Crimes and Misdemeanors.

Resolved, That Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, be impeached for misbehavior, and for high crimes and misdemeanors; that the evidence heretofore taken by a subcommittee of the Committee on the Judiciary of the House of Representatives sustains articles of impeachment, which are hereinafter set out; and that the articles be adopted by the House of Representatives and exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court of the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribed a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States Court of the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

Thereafter, a judgment of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of \$5000 for each violation.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold

and obey the Constitution and laws of the United States.

Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office.

U.S. SENATE,
Washington, DC.

The United States of America:

The Senate of the United States to Ernest E. Garcia, Sergeant at Arms, United States Senate, greeting:

You are hereby commanded to deliver to and leave with Harry E. Claiborne, if conveniently to be found, or if not, to leave at his usual place of abode, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichever way you perform the service, let it be done at least fifteen days before the answer day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the day for answering mentioned in the said writ of summons.

Witness George Bush, Vice President of the United States, and President of the Senate, at Washington, D.C., This 14th day of August, in the year of our Lord 1986, and of the Independence of the United States the two hundred and tenth.

JO-ANNE L. COE,
Secretary of the Senate.

U.S. SENATE,
Washington, DC.

The United States of America:

The Senate of the United States to Harry E. Claiborne, greeting:

Whereas the House of Representatives of the United States of America did, on the sixth day of August, 1986, exhibit to the Senate articles of impeachment against you, the said Harry E. Claiborne, in the words following:

"Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

"On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

"The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

"On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of \$54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

"The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

"On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of

section 7206(1) of title 26, United States Code.

"Thereafter, a judgment of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of \$5000 for each violation.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

"Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

"Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

"Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office."

And demand that you, the said Harry E. Claiborne, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said Harry E. Claiborne, are therefore hereby summoned to file with the Secretary of the United States Senate, S-221 The Capitol, Washington, D.C., 20510, an answer to the said articles of impeachment no later than the close of business on the 8th day of September, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness George Bush, Vice President of the United States, and President of the Senate, at Washington, D.C., this 14th day of August, in the year of our Lord 1986, and of the Independence of the United States the two hundred and tenth.

JO-ANNE L. COE,
Secretary of the Senate.

CONCLUSION

Mr. DOLE. This completes the actions which the Senate must take today with respect to the Articles of Impeachment. The committee appointed under Impeachment Rule XI will be in communication with the House managers and counsel for Judge Claiborne to arrange for the proceedings before it. Counsel for the parties

should be ready on September 15, at the latest, to present their witnesses and documents to the committee. It is my hope that the week of September 22 would be utilized to complete the printing of the record compiled before the committee for submission to the full Senate on September 29 or as soon thereafter as the Senate, sitting as a Court of Impeachment, can hear them.

I ask unanimous consent that the Senate, sitting as a Court of Impeachment, now adjourn until a time to be fixed later by the Senate.

I thank my colleagues.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon, at 4:01 p.m., the Senate, sitting as a Court of Impeachment, adjourned until a time to be fixed later by the Senate.

COMPREHENSIVE ANTI-APARTHEID ACT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. EVANS assumed the chair.)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the Senate is not in order. Will those who are conversing in the wells and in the aisles please retire to the cloakrooms or their desks?

Mr. BYRD. Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Senators who are conversing please retire to the cloakrooms or to their desks. All staff members will take their seats. The Senate will not continue until all Members have either taken their seats or retired to the cloakroom.

The Senate is in order. The minority leader is recognized.

Mr. BYRD. Mr. President, I did not seek recognition. I want to compliment the chairman on restoring order. If I am recognized I do have a statement to make.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I will be happy to forgo my statement and let other Senators call up amendments if they so desire.

Mr. President, I believe there are Senators on the floor who wish to call up amendments. I do not have an amendment at this time. I will forgo making a statement on the subject matter.

I thank the Chair. I yield the floor. The PRESIDING OFFICER. It is the Chair's understanding that the time allotted to the Helms amendment has expired. There is time however on the bill itself. That is the position we are now in.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield for a minute for a question?

Mr. PELL. I yield to the Senator from Massachusetts for a question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand there were some negotiations going on with regards to the Helms amendment. I am quite prepared to offer my amendment at this time so that we can continue the progress which will necessitate asking the others be temporarily set aside. But I will be glad to withhold if others wish to proceed. Whichever way the floor manager wants to proceed is certainly satisfactory.

Mr. LUGAR. If the Senator will yield, I ask unanimous consent that the Helms amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 2736

Mr. KENNEDY. Mr. President, I send an amendment to the desk in behalf of myself, the Senator from Connecticut, Mr. WEICKER, and the Senator from California, Mr. CRANSTON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. WEICKER, and Mr. CRANSTON, proposes an amendment numbered 2736.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, delete lines 11 through 20; and

On page 50, delete lines 4 through 13, and at line 14 delete "(iii)"; and

On page 70, line 8, insert the words "or subsidized" after the word "controlled"; and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. . 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 OR STEEL

SEC. . 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. . (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.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, lines 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. KENNEDY. Furthermore, I understand there is an hour time limitation. Is that correct?

The PRESIDING OFFICER. The Senator is correct. Thirty minutes to each side.

Mr. KENNEDY. I yield myself 7 minutes.

First of all, Mr. President, I want to express my appreciation to Senator LUGAR for his cooperation and his willingness to accept the first amendment offered this morning by Senator WEICKER and myself. That amendment included certain measures that were also adopted by the Commonwealth of Nations during their meeting in London on August 3-5, and, but for the fact that I was participating in the Judiciary Committee's deliberations on the nomination of William Rehnquist as Chief Justice of the United States, I would have been here to speak in support of that amendment.

The purpose of the amendment that I am offering now, with Senator WEICKER, is to complete the process of bringing our legislation into conformity with the Commonwealth's proposals. This amendment, if adopted, will do the following:

First, it will eliminate the loophole in the bill that excepts short-term credit arrangements—such as trade credits, letters of credit and sales on account—from the ban on bank loans to the South African private sector.

Second, it will also eliminate the loophole in the bill that excepts reinvestment of profits from the prohibition on new investments by United States corporations doing business in South Africa.

Third, it will prohibit the importation of South African agricultural products, by-products, derivatives and food.

Fourth, it will also prohibit the importation of steel.

Finally, it will prohibit the export or sale of crude oil or petroleum products to South African entities.

I want to make a number of points in support of this amendment.

In his opening remarks today, Senator LUGAR made an important point which I agree with. That point actually serves as the underlying premise of this amendment and the amendment that Senator WEICKER and I offered earlier today that was accepted by the committee chairman. To be most effective, whatever measures that we adopt here should be designed to work in conjunction with, in coordination with, in concert with actions of the other nations of the world. To cite section 106 of the legislation that we are considering today, "The Congress finds that international cooperation is a prerequisite to an effective anti-apartheid policy." This amendment, if adopted, will put us in lock-step with the Commonwealth of Nations and will be a very powerful sign to Pretoria that the civilized nations of the world are working together.

My second point anticipates an argument that I expect to hear from opponents of these measures. This legislation, they argue, is carefully targeted to strike the government of South Africa, to hit the public sector as opposed to the private sector. This has been done, they say, for two reasons: first, because it is the government that administers and enforces apartheid, not the private sector; and second, by carefully focusing our sanctions on the public as opposed to the private sector, we minimize the suffering to the black majority that may result from the imposition of these sanctions.

I do not accept the validity of the distinction between the private and the public sectors in South Africa. That distinction has no justification economically, and it has no justification politically. The South African economy is the most concentrated economic system in the world, outside of the socialist systems of the Eastern bloc. The Afrikaansers have created a system of Afrikaaner socialism whereby the government works in complete partnership with Afrikaansers to build the power and influence of Afrikaanderdom inside South Africa. It makes no sense as an economic proposition to say that a parastatal is somehow a worthy target of sanctions while the state-sponsored, state-subsidized system of agriculture is not.

□ 1610

And politically, the leaders of the private sector are full partners in the apartheid system. If anything, sanctions will only work if the South African economy as a whole feels the pressure, if the leaders of South Africa's industry and commerce are faced with the kind of economic hardship that

will turn them into effective advocates of fundamental change in apartheid.

As for the suffering of the black population, this is an issue that has been beaten to death by the opponents of any action against South Africa. It is true that the black majority may well experience additional economic hardship as a result of an effective international system of sanctions aimed at the apartheid system. But we should never forget three things:

First, the suffering that the blacks are experiencing under apartheid today is, for them, intolerable. Infant mortality in some of the relocation camps is as high as 50 percent during the first year of life. Infant mortality as an average in the homelands is 20 percent; one out of five babies die routinely in the homelands. That will only end with the end of apartheid.

Second, it is now clear that the black majority overwhelmingly supports economic sanctions. As Richard Manning the former Newsweek Bureau Chief in Johannesburg stated during the special forum that we held last month:

I will tell you that from my experience in South Africa, sanctions are supported by the vast majority of black leader. Any black leaders who does not support universal punitive sanctions runs the risk of being left at the station after the train has left.

Let us heed the words of Bishop Tutu when he says:

Last year, organizations representing more than 12 million South Africans called for sanctions and economic pressures. These are not significant actions or irresponsible bodies or individuals. I must ask, To whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?

The efforts of those who support this particular amendment, Mr. President, as I mentioned earlier, have one very basic, fundamental goal and commitment. That is to ensure that the United States is going to meet its responsibilities in fashioning and shaping a policy which reflects our own best values, and to be able to work with countries around the world, most particularly now the Commonwealth countries, which receive the recommendations of the Eminent Persons Group, that have a special relationship with South Africa and have a special knowledge and understanding of the situation there.

These recommendations are measured, they are balanced, they are well considered, well thought out. They have been examined in very considerable detail by the Eminent Persons Group and by adding these particular sanctions as well as those within the committee's bill, along with some of the other changes that hopefully will take place over the course of further debate, I think then the United States will be in the position of leadership for not only the Commonwealth countries

but for Western Europe and for Japan.

I think this is the position that we should be in and that we must be in. I am very hopeful that this amendment will be successful.

I ask unanimous consent that Senator METZENBAUM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself such time as I may require from the time allotted to this side.

Mr. President, I rise to oppose the amendment of the distinguished Senator from Massachusetts, but I want to review the amendment to make certain that the Senate has an understanding of its provisions. It is a serious amendment, a very important attempt to come into cooperation with the Commonwealth nations who have adopted sanctions after their recent meeting.

First, as I understand the amendment of the distinguished Senator from Massachusetts, it would require the cutoff of trade credits.

This is a devastating action, obviously, to all aspects of South Africa-United States trade. This may be the intent of the amendment and clearly, to this Senator, that would be the effect.

Second, the Kennedy amendment would deny U.S. banks the right to re-schedule existing loans. Given South African law, this would result in United States banks having to write off virtually all outstanding loans.

Once again, this may be the intent. This would clearly be the effect. It is a serious one involving several billions of dollars of loans that are outstanding.

Third, by including within the definition of parastatals, state-owned industries, all companies receiving any subsidy from the South African Government, this would lead to an almost complete embargo on imports from South Africa.

Members may wish to vote for such an embargo, but they ought to know precisely that that is the effect.

Fourth, the Kennedy amendment would embargo all agricultural exports to the United States from South Africa. It would embargo all iron and steel exports from South Africa. It would ban all crude oil exports to South Africa from the United States.

I might say, Mr. President, that there has been considerable discussion in the European Common Market already of the potential sanction dealing with iron and steel and, clearly, in the amendment we now have before us, a parastatal company which deals in steel would clearly be affected by this.

So these sanctions may be comprehensive but they are not unique to the amendment.

Nevertheless, the composite effect of the amendment, Mr. President, is, in essence, to create a trade embargo. It is to stop all trade and almost pin down all four corners, and, likewise, to create what will amount to the non-payment by South Africa of loans owed to United States banks. That, I think is a very serious proposition, well beyond the legislation drafted by the Foreign Relations Committee.

One could raise the question, Mr. President: Why stop simply with the sanctions that the Foreign Relations Committee adopted? Why, while we are considering this today, do we not really pile it on?

In other words, if there are problems with the South African Government, would it not be true that you ought to do more rather than less? It might be misinterpreted as being restrained in the situation.

Indeed, Mr. President, I suspect this amendment begins to take us into the zone in which a piling on effect is likely to occur.

If these sanctions, which create almost a total trade embargo, were to be adopted, there is no particularly good reason why we should not, in effect, terminate all relations between South Africa and the United States. Indeed, there are some Senators, I would think, who would choose to do precisely that.

The legislation that the House adopted, if I read it correctly, pretty well winds up South African affairs for United States firms in a 6-month period of time.

The Foreign Relations Committee, in my judgment, wisely rejected the idea of a total trade embargo. We wisely rejected the idea of total disinvestment of U.S. firms.

Instead, we attempted to target certain sanctions that would have particular effect upon the Government of South Africa and those who appear to be in the leadership in that country, who are in a position to end apartheid and to enter into negotiations with representative leaders of all factions of black Africa.

The problem I see in this particular amendment is that it is drafted with a purposeful focus on the Commonwealth sanctions. It is drafted with the thought that others have adopted this course of action. An argument is being made that if we are to be in consonance with them, supportive, we ought to go down the same path.

□ 1620

Mr. President, I said that the United States in this particular instance is eager to try to maintain a strong relationship with South Africa. We do not seek the destruction of the economy of

that country. We do not seek the termination of all ties with that country. Quite to the contrary, we are thinking to the future of that country. That is the basic reason we have presumed to be involved in their affairs.

We believe that democracy is important in South Africa, that trade is important there, that it can play a tremendous role in the future. The point that we insist upon is that our South African friends, black and white, think about human rights, think about the termination of apartheid, think about how a political system might be constructed in the future that would accommodate, in freedom and in justice and with human rights, all the parties that are involved.

We are not seeking a scorched earth policy. We are not involved in deliberately punitive sanctions, trying to wind up the affairs of that country, even as we wind up the affairs of many businesses and banks in our country.

For these reasons, Mr. President, I hope Senators will think carefully, as I am certain they will, about the meaning of following this course with regard to additional sanctions. We have tried, and this point will be made, I suppose, with regard to each amendment or argument we have, but we have tried—and by “we,” I mean many Senators, including the Senator from Massachusetts—to come to a conclusion in this body which will have a very large vote of support.

I cannot predict which additions or which sanctions diminishes by one vote or two the number in support. I would say that the collective sanctions in this amendment are such as to give pause to many Senators. I think that would be a shame.

In short, while we are busy piling on additional sanctions, if we are, in the process, losing support on this floor for the bill, that will not have been a good bargain.

Mr. President, the fundamental fact finally remains that our influence in South Africa is limited. In my opening statement, I said it is limited but we have some. We ought not to minimize that. The fact is that none of us knows whether 12 sanctions, 15 sanctions, or 21 sanctions will make any particular difference, or that 21 will make any more difference than 12. Our objective is not economic destruction. It is persuasion, persuasion to move and persuasion, hopefully, for a country that is still alive economically and politically and has a future and has potential, to move on to the steps we have suggested.

For these reasons, Mr. President, I oppose the amendment. I am hopeful that Senators will think carefully about the implications of adding such an unusually large number of additional sanctions in this one amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself an additional several minutes.

First, this is not a trade embargo, no matter what the chairman of the Committee on Foreign Relations states. It will still be possible for any of the companies or corporations in South Africa to gain whatever banking arrangements they desire and still trade with the United States. That would not be prohibited by this amendment. That is what I would consider a trade embargo. This amendment does no such thing. We are dealing with whether we are going to fund those particular amounts.

Mr. President, this is not such a radical proposal. A proposal very similar to this was included in the Kassebaum proposal when it was initially recommended to the Senate. So it is important that we give this the careful attention of this body at this time.

Let me say that I would think that most of the Members of this body would think that the amendment which I offer, with the Senators WEICKER and CRANSTON, is already included in this legislation. Let me point out why.

On page 78 of the bill, it says:

Prohibition on New Investment in South Africa. No national of the United States may, directly or through another person, make any new investment in South Africa.

I would think most people would say, well, that is right, we do not want any new investment in South Africa. Now we go back to page 50 in terms of no new investment and there are definitions of new investment on page 49. We turn the page over to 50 and it says it is a loan.

Oh, we say, no new loans. All right. We go back to page 48 and get what the term “loans” is. It is a prohibition of all loans except—except—those that are listed on page 49, where it says:

(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;

That particular provision, Mr. President, when you wind your way through those definitions and the various pages of the bill, means that effectively 80 percent of the American investment in refinancing will be excluded from this prohibition unless this amendment is adopted.

You cannot have it both ways. You cannot be representing to the Senate and to the American people that you have such a beautiful prohibition as we have defined here in which most Members of the Senate and most people who can read the English language would say you are prohibiting. But you have to weave your way all

the way back through the definitions and weave your way through what loans are in and what loans are out. Eighty percent are excluded. We ought to be fair and frank and candid with the Members of this body and say either we intend to do that or we do not intend to do it.

The Senator from Kansas indicated this was a sufficient area of concern for her to include most of this in her amendment. But it has escaped from coverage by the Foreign Relations Committee.

Mr. President, we understand that the change in South Africa is going to be as a result of internal action and external pressure. We understand that the future of South Africa is going to be decided by South Africans, blacks and whites alike. But again, debate before the U.S. Senate has to be to the extent that American credit is going to continue to fuel the engine of the economy of South Africa, which is committed to the policy of apartheid.

I daresay with the continuation of these credits, 80 percent of which are turned over in the course of the year—\$2.5 billion of the \$3.1 billion of loans turned over in the year—it is U.S. credit that is doing it. We believe, those of us who support this amendment, that that is not right.

Let us not include this kind of approach if we are not going to believe it but let us not pretend that we are doing something which we are not doing by writing in this kind of language in the legislation.

□ 1630

This is, I think, something which has to be addressed. That is what this amendment does. I withhold the remainder of my time.

Mr. LUGAR. Mr. President, the distinguished Senator has indeed read the language of the Foreign Relations Committee bill correctly. As I expressed, but perhaps not as directly as I should have, our intent was not to devastate American business in South Africa in totality, nor to terminate all of the loans that are now there. I do not know whether 80 percent of what is now going on would continue to go or whether it is 75 or 85 percent.

I accept the Senator's rough estimate that a substantial amount of American business will be continuing. That was our intent; no subterfuge. That clearly is what I believe most Americans want to occur. Most Americans would not, in a referendum now, tell IBM, Xerox, and General Motors to get out of South Africa or to make no new investment under any circumstances or to have no new financing under any circumstances. Now, there may come a time when the board of directors of General Motors comes to that conclusion.

I think all of us have heard testimony from our constituents who have business in South Africa, or from national leaders of great American firms, that they are all discouraged about doing business in South Africa; they are losing money, by and large; they expect to continue losing money. It is a depressed economy and getting worse. It is a situation there where they are harassed on many occasions. They have much difficulty.

And so this is the reason most of us have come to an agreement, listening to testimony by the Secretary of State or the eminent persons or others who have followed this issue, that there is basically no new investment by American firms going into South Africa. It is simply not a good investment if you are looking for any return on your money. Many firms likewise have a sense of foreboding about the future of South Africa. I think any practical businessman would be bound to have a sense of foreboding. It is not a pleasant place right now in which to be doing business. Nor is any expectation generated by the debate that we are having. This debate comes because there is turmoil, an expectation of very real difficulty in South Africa.

So I have no quarrel with the fact that the Senator may be correct that only about 20 percent of what business is currently taking place is wound up by the Foreign Relations Committee draft. I suspect that he would prefer to get rid of the other 80 percent. I would not. I think that is a basic difference between us. I would still hold to the hope that American business, American business practices, American business leadership would be important in the formulation of the new South Africa. I believe it is important that we witness our ideals there, even if only 2 percent of South African blacks are employed by American business, as is presently about the case. I think it is important that those firms doing the right thing have an opportunity to continue doing it. I reject the thought that willy-nilly, across the board, every firm ought to get out just to show those folks we mean business and close all loopholes as we close all businesses. I think there is a clear distinction in our positions, Mr. President.

This amendment comes as a part of a series of amendments. We have thus far entertained this morning an amendment by the distinguished Senator from California that would put an immediate ban on textiles. That amendment was adopted by the Senate. We have adopted a formulation by the distinguished Senator from Connecticut [Mr. Dodd] that would expand the parastatal situation in production also into marketing, excluding agricultural products. These seem to me to be amendments that were at the margins, at least with regard to their

effect on the bill. One could argue back and forth, as we did, on the effects on certain domestic imports and exports, but the Senate has acted. The Senate has also stricken two sections, the one dealing with gold, claiming the President already had the authority, and rejected the visa sanction that we had in the bill. So we have had some modifications.

But this particular amendment enters a different realm altogether. This one is not at the margins. It is not an incremental difference. It is a very large difference. It really winds things down with a vengeance.

The Senator has said he is closing the loopholes. Indeed, he does; he closes the businesses; he closes the loans. I think that would be a mistake, Mr. President, given the awesome difficulties facing that country. We are engaged in this debate because we still have hope for South Africa and our relationship with all the people of that country.

So I urge Senators to reject this amendment. It vastly changes the scope of the bill. In my judgment, it changes it so markedly that we are arguing in different parameters altogether; instead of targeting sanctions on the Government and on those in authority, it would impose a much more blanket economic sanction that I think would devastate our purpose quite apart from what happens in South Africa.

I yield the floor.

Mr. KENNEDY. Mr. President, we will have an opportunity to talk about an investment or disinvestment amendment, I suppose, a little later, but that is not what this bill is all about. This legislation reported out of the Foreign Relations Committee says no new investment and no new bank loans and then provides a back door by which those bank loans and those new investments can take place. It is as simple as that. In fairness to the membership, they ought to understand that. We are trying to say that there will not be new investment and there will not be new bank loans. Under the current amendment, if American companies or corporations have the kinds of profits that they had several years ago, which went up to 30-odd percent, they would be able to reinvest that and expand their operations in that country.

Now, either we want new investment and we want no new bank loans or we do. That is the simple issue. We tried in the earlier intervention to point out the reasons why that currently is the case. I hope, Mr. President, this amendment will be accepted. I think it is an essential amendment if we are going to be serious about no new bank loans and no new investments. We are not talking about a trade embargo. The fundamental question, Mr. President, is whether we want to have the genius, American know-how, American

technology, American business acumen continuing to be an engine in the South African economy without the kind of meaningful assurances that political prisoners would be released and that a process would be set in motion which would permit recognition of some of the basic and fundamental rights and liberties in which we believe.

That is the issue before the Senate. We want to continue with American ingenuity, continue the strength of the economy, by continuing the extensive presence of American business. All we are saying is that that should not be the case in terms of new bank loans and new loans. In those specific areas we are saying no. I hope this amendment will be accepted.

I will be glad to yield 2 minutes to the Senator from Illinois. Then, unless there are other speakers, I would be glad to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of this amendment. What we clearly have to do is to put a meaningful squeeze on the economy of South Africa; let them know that we really mean business. One of the most devastating books I have read in the last couple years was a book by a fellow named David Wyman called "The Abandonment of the Jews," and it tells how the United States used all the pious words when Hitler came into power and was abusing the Jews but we did not do the meaningful thing that might have changed policy and ultimately might have saved millions of lives.

I see us doing the same thing again, using pious words but not the meaningful ones.

I spent a half day with Bishop Tutu 3 years ago.

□ 1640

I shall never forget that his basic message was that we are headed toward unbelievable violence and the only country that can prevent it, because of its economic power, is the United States of America. I really believe that.

This amendment, as I look through it, goes to the problem of loans. That does not mean that if IBM is in South Africa, they cannot borrow money from a Swiss bank or someplace else, but at least they must go elsewhere.

Agricultural products: We have enough problems in this country. We do not need to be importing agriculture from South Africa.

Importation of iron or steel: I do not know much about iron, but I know a little about steel. The steel industry in our country is devastated. We import only about 5 percent of South Africa's production of steel, but that 5 percent

means substantial profits for that steel industry.

I think that what we are doing here really makes sense.

I will add one other thing: I recall when we were involved in the civil rights struggle, when the economic pressure started to be applied, and then the Birmingham Chamber of Commerce came out with a statement or a resolution—I do not recall which—but a statement that was devastating, that really changed the atmosphere, because they sensed which way things were going.

I have to believe that the business interests of South Africa, if they feel the squeeze and sense where we are going, are going to do the right thing in South Africa and move that great country toward peace, and blacks and whites alike will benefit.

This amendment moves us in the right direction and, more significantly, moves South Africa in the right direction, and I will strongly support it.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, included in this amendment is the prohibition of the importation not only of steel, but also agricultural goods; \$36 million imports of sugar products. There are areas like Louisiana and in the Philippines—I know that my colleague will be offering an amendment on this later in the debate.

Thirty million dollars' worth of corn: There are farmers in Iowa and in the Senator's own State who can produce corn and have excesses of corn and can use this market.

Twenty-five million dollars' worth of rice: There are States in the South and Southeast that are producers and could use those markets.

Seventeen million dollars' worth of tobacco: With all the problems the small tobacco farmers are facing, it seems to me that they could make up for those particular markets.

Would the Senator, who represents not only an industrial State but also an agricultural State, indicate to me whether, to his knowledge, the agricultural community and the farming communities would welcome the opportunities for these new markets?

Mr. SIMON. I thank my colleague from Massachusetts for his comments. I assure him that the corn farmers of Illinois and Iowa and Indiana, if I may add that, do not want to see corn imported from South Africa, any more than rice growers, sugar growers, tobacco growers, or any other growers.

Here is a practical way of helping our own economy and at the same time sending a message we ought to be sending.

The point of the Senator from Massachusetts is absolutely correct.

Mr. KENNEDY. We did not have much time to talk about that particular provision of this amendment, but it is an important one and a significant one, and something that I hope our colleagues would recognize as well.

It is also true that we have the prohibition of fruits and vegetables, up to \$52 million a year. We can also produce some of the finest fruits in the world.

So I think the point the Senator makes is not only consistent with the thrust and purpose of the legislation and with our policy in terms of rejection of apartheid, but also, we are doing something for the American farmer, steelworker, and other citizens who are hardpressed in many parts of our country, given the state of our economy.

Mr. SIMON. Let me give the Senator a practical illustration.

In downtown Chicago, we have the State of Illinois Center, built with South African steel. Just a few miles away, a steel works is closed.

In Gary, IN—the Senator from Indiana knows this better than I do—they are in terrible shape.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMON. I ask for 1 additional minute.

Mr. KENNEDY. I yield to the Senator.

Mr. SIMON. Clearly, we can send a message to South Africa and at the same time help the people here in the United States.

I think the Senator's amendment is a superb one, and I am pleased to support it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield.

Mr. PELL. Mr. President, I believe this is a very useful amendment.

It would tighten the prohibitions on new investment and loans contained in the bill.

It would also strengthen the bill by adding prohibitions that have been agreed to or are under consideration by the European Community and the British Commonwealth. In fact, the European Community is likely to adopt the ban on the importation of iron and steel in September. The Commonwealth will undoubtedly follow suit.

Also, six of the Commonwealth heads of state have also agreed to implement most of the measures and to encourage their other Commonwealth colleagues to do so as well. This is a strengthening amendment, it is a good

amendment, and I hope it will be acted on favorably by my colleagues.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes.

Mr. LUGAR. Mr. President, in the colloquy between the distinguished Senator from Massachusetts and the distinguished Senator from Illinois, we saw the development of a line of inquiry that they found congenial and I suspect that they found appealing to the American people. They said that even while we are doing good with regard to the moral problem of apartheid, we can really sock to those South Africans and help some good American firms along the way.

Why not, while we are in a moral frame of mind, trying to get the South Africans to change their apartheid policy and a governmental structure, engage in a little protectionism on the side? Why not help the corn farmer? Why not help those making steel? Why not, in fact, just lock in any exports from South Africa that might in any way come into our country and thus create problems, as the Senators saw them?

It was an appealing argument. It was the one offered today on textiles. It is the current topic, a poignant topic. If we were having a debate today on free trade or fair trade or trade laws, some Senators would point out that even as particular industries and particular individuals are being helped, the vast majority of Americans are being hurt.

I fear that in this amendment, we finally get to the nub of a real problem which does not strengthen the bill but weakens it materially.

The moral basis of what we are doing really floats out of this, if we are engaged in a protectionist trade bill by another name. It demeans the South African debate, and I think we should cut it out.

If we are engaged in sanctions, they ought to be for the purpose of influencing that government and those who are in power.

The distinguished Senator from Illinois has said that if you squeeze the South African businessman, you can count on him to sort of get the job done, get this apartheid business wound up, get the government back on the right track. In fact, as the distinguished Senator knows, because he is a student of these affairs, it is arguable whether South African business has much influence at all with regard to the Government of South Africa.

It is a shame that the influence is so little, but that appears to be the case. Even then, business people could be more effective, and they should be more effective and perhaps stimulated by a sanctions bill. But, for the moment, it is arguable, even if all of them were outraged by the sanctions,

that they would have much effect upon the Afrikaner Government that we are taking a look at and which is the target of this sanctions bill.

□ 1650

In short, Mr. President, all of these different situations of strengthening or weakening miss the point of why this kind of legislation makes any sense. It makes sense only if the political officials who have power now are prepared to share it, are prepared to think of a new constitutional structure, are prepared at least to end apartheid and the repression of blacks in South Africa.

Let me just add while we are in the course of so-called strengthening the bill, we are in fact involved in winding up international trade between our country and South Africa.

If you deny trading companies the short-term financing they require, Mr. President, this international trade is on a cash-and-carry basis and, as a result, you wind up their affairs.

That may not have been the total intent. That is the effect. It is a trade embargo. It is in fact disinvestment.

If you wind up any possibilities of people reinvesting profits in their businesses, having sources of credit to reinvigorate their business, they will atrophy, they will depreciate. This investment is a slower method than the House of Representatives, the other body, prescribed. They said 6 months. This will be more of a lingering death, I suspect, but it is disinvestment. It is the windup of business as it is. It is the termination of trade.

This is not a good amendment, in my judgment. It is likely to tip this bill into a situation of a pile-on of sanctions that makes no more difference with regard to the Government of South Africa and the change of its attitude. But it will in effect harm U.S. businesses very substantially.

For the small pittance of fruits that will be kept out or corn that can no longer be exported or 5 percent of steel that has been mentioned, and so forth, the devastating effect upon American banks that are loaned money, American's businesses that are in legitimate pursuits that are offering jobs and opportunity, those will be very startling, Mr. President.

I hope Senators will consider that and vote to reject the amendment.

Mr. KENNEDY. Mr. President, I just want to point out finally in conclusion and make a couple of observations.

The Senator's own bill prohibits the importation of uranium and coal. So effectively he is putting an embargo on that particular measure.

I imagine the Senator from Indiana supports economic sanctions on Nicaragua. I think I have heard him speak in favor of that. I imagine the Senator from Indiana favored economic sanc-

tions on Libya at the time when they were perpetuating terrorism. I imagine he favors sanctions on Poland and Cuba.

So the fact of the matter is this administration and this Foreign Relations Committee has been prepared to make recommendations on economic sanctions in those particular countries, and now when we are trying to strengthen those particular provisions, we are somehow put in a position of being an antifree trade, anti-American economy.

Mr. President, we were prepared to offer those particular measures on sanctions on Nicaragua, Libya, Poland, Uganda some years ago and other places.

This is a question about—and we are prepared to do it to carry on our own kinds of national interest, national purpose, national policy—we are talking about similar kinds of actions now dealing with new loans, dealing with new investment.

That is what this amendment is about, and as I said, these particular recommendations that are included in our amendment are not just taken out of whole cloth. They are the recommendations which will hopefully be adopted by the Commonwealth countries. Each and every one of these are effectively the recommendations of the Commonwealth countries.

We are attempting to conform with what the Senator from Indiana initially outlines as to be the purpose, and that is, that the sanctions be effective.

They will be effective if the European market closes agricultural products because they import \$434 million. We import some \$52 million; \$432 million adds up to one-half of a billion dollars. It becomes pretty important, pretty effective.

These recommendations are the ones that the Commonwealth countries are recommending. That is part of the reason that we have accepted it, so that we will have concert, so that we will have effective action, so that the democratic world community will be able to speak with one voice.

That is what this amendment is about. It has broad and wide support across this country.

We were prepared to take much more dramatic action in other areas of foreign policy in the last few years. We ought to be prepared to take these small steps.

I am glad to yield back if the leader wanted to yield back. Otherwise I withhold the remainder of my time.

The PRESIDING OFFICER. (Mr. HECHT). The Senator from Washington.

Mr. EVANS. Mr. President, will the manager yield 3 minutes?

Mr. LUGAR. I yield 3 minutes.

Mr. EVANS. Mr. President, the Foreign Relations Committee dealt with a wide variety of proposed sanctions and

measures to try to get to the end of apartheid in South Africa. I do not think there is much difference in the views of Members of this Senate in their abhorrence of apartheid. We are all struggling to find the right way, the most effective way, the best way to end apartheid.

Ultimately, it will happen as others have mentioned within South Africa, by South Africans, black and white. We can be of some value and some help.

I believe the bill crafted in the Foreign Relations Committee is one that steers the best course, the most appropriate course, the one which is most likely to succeed.

With that, Mr. President, I would like to ask the chairman of the Foreign Relations Committee some questions which are based on testimony that came before our committee during the time we debated South Africa.

Is it correct that if, as the chairman pointed out, there are to be restrictions of the kind this amendment would institute, businesses, for all practical purposes, would have to disinvest or withdraw or end their operations in South Africa? Is that the ultimate effect of the amendment as it relates to loans?

Mr. LUGAR. Businesses would literally wither on the vine and they would have to make forced sales to South Africans or other countries or simply terminate operations.

Mr. EVANS. It is my further understanding that the South African Government in an attempt to deal with this problem of disinvestment has established two separate kinds of rands, their currency, one being an economic rand, one a financial rand, and that both investment and disinvestment in South Africa must be conducted through the financial rand. Is that substantially correct?

Mr. LUGAR. That is correct.

Mr. EVANS. It is my further understanding that the financial rand is at an all-time low and headed lower as there is much less interest in investing and much greater interest in disinvesting and, since it is a relatively free market, the market continues to sink; is that further correct?

Mr. LUGAR. That is correct.

Mr. EVANS. Then it appears to me that the end result of this amendment, we ought to understand, would be for American companies to be forced to withdraw at extraordinary losses, virtual expropriation of their investments which have been made in South Africa over the years. Is that essentially correct, as well?

Mr. LUGAR. That is my understanding.

Mr. EVANS. I hope that Members of the Senate do understand the extent of this amendment, the end result it

would have on American companies and not only the end of their operations in South Africa, which may be what the Senator from Massachusetts seeks, but also the end in a way that would create financial havoc for those who have invested.

Mr. KENNEDY. Mr. President, I yield myself time as I might need.

It is my understanding that there were no business men or women who testified on this legislation in the Foreign Relations Committee. Am I correct?

Mr. LUGAR. I do not recall that there were in these hearings. We have had such testimony as I recall in the past.

Mr. KENNEDY. I am wondering what was the basis of the certainty in the response of my good friend from the State of Washington.

Mr. LUGAR. I respond we have heard from witnesses in the past in fairly close proximity to these hearings.

Mr. PELL. We have in the past but not on this particular bill.

Mr. BYRD. Mr. President, the amendment offered by the distinguished Senator from Massachusetts is a powerful statement of American opposition to apartheid. I introduced a version of this legislation on behalf of Senator KENNEDY, Senator CRANSTON, and Senator WEICKER in an effort to join the issue of U.S. policy toward South Africa.

The Foreign Relations Committee has provided the first few steps—useful and significant steps—on the ladder to help American policy climb out of darkness and uncertainty and into the clear light of legitimacy. But these Senators are finishing that job. These additions are consistent with the policy adopted by our allies in the European Community and the Commonwealth.

The distinguished chairman of the Foreign Relations Committee has characterized this amendment as protectionism in the guise of economic sanctions. I have to disagree. The effort here is to have an impact on the South African economy without destroying that economy. The sanctions in the Kennedy amendment banning imports of agricultural and steel products achieve that measured goal. South African steel exports to the United States account for only 5.3 percent of total South African raw steel production. If we end imports of South African steel, we say that we are not prepared to be dependent upon that country for a basic product—A product that is competing with American steel. Incidentally, I would like to see an end—or considerable reductions—in steel imports from other nations.

I doubt that the 500,000 tons of steel we import annually from South Africa will make any difference to our own

troubled steel industry, though I am not embarrassed to say that I hope it does help. Why should American steel workers compete with South African steel that is made at slave wages? Nonetheless, this is an issue of foreign policy, and the amendment makes a meritorious contribution on that basis.

The Kennedy-Weicker-Cranston amendment is a well-considered addition to the Foreign Relations Committee's bill. It increases our leverage and impresses upon the government of South Africa that we are, indeed, serious about the need for progress. We cannot make policy in South Africa. As Senators have said, only South Africans—Black and White—can meet the challenge there. But we can and must exercise our influence in support of peaceful change. This amendment is a step in that direction.

□ 1700

The PRESIDING OFFICER. (Mr. EVANS). Who yields time?

Mr. KENNEDY. I yield time to the Senator from California.

Mr. PELL. I yield 4 minutes to the Senator from California.

Mr. KENNEDY. I think I have some time remaining. How many minutes do I have remaining, Mr. President?

The PRESIDING OFFICER. Two minutes.

Mr. KENNEDY. I yield all of those to the Senator from California.

Mr. PELL. Mr. President, I yield Senator KENNEDY's 2 minutes and 2 minutes of my time from the bill to the Senator from California.

Mr. CRANSTON. I thank both my friends and colleagues.

The PRESIDING OFFICER. The Chair is in doubt. Is that 2 minutes of Senator KENNEDY's time plus 2 minutes of time off the bill, for a total of 4 minutes?

Mr. PELL. Yes.

Mr. CRANSTON. Mr. President, the Kennedy-Weicker-Cranston amendment brings us into agreement with Commonwealth actions. It supports multilateral actions. It is a very important part of the process we must follow, and I urge adoption of this amendment, which I am delighted to cosponsor.

The American people are tired of the "do nothing" policy of this administration in regard to apartheid. They are counting on Congress to act.

Cynics predicted that the Senate would never get its act together. We are about to prove those cynics were very, very wrong.

We must put together a veto-proof bill, a bill that will enable us to override a veto with a two-thirds vote of this body, because we must anticipate a veto. A veto is virtually certain to occur.

We are going to win on this measure today, tonight, or tomorrow. But we

must be prepared to fight another day, as well.

We must not trifle with evil. We must not try to appease apartheid.

We paid a full price of a world war. And I watched that unfold as a correspondent in Nazi Germany in the late thirties. We paid a terrible price to learn that we could not do business with Hitler.

Today, we must resist the siren song of profits that tempt us to do business with apartheid. The acrid smell of genocide is beginning to rise in South Africa. We must let the people of all races, black and white, in South Africa know that America stands for democracy against fascism, America stands for equality against racism, America stands for liberty against oppression.

The stronger the measure that we enact, the stronger that message will be to all those in South Africa and all those outside South Africa deeply concerned about this issue and looking to us longingly for leadership. Now is the time for us to provide that leadership. Adopting this amendment will strengthen that effort.

I yield back any part of the 4 minutes that I might have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LUGAR. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Five minutes.

Mr. LUGAR. Mr. President, let me just reiterate that we need to be very thoughtful about what is meant by strength, by strengthening this measure.

Clearly, none of us want to trifle with disaster, with evil, with apartheid. Very clearly, that is the reason we have adopted already in this body a year ago sanctions and we are about to adopt many more. The Senator from California is correct, that there is a strong message in our action.

But, Mr. President, there is no good evidence that piling on additional sanctions all in the name of strengthening the bill will make one whit of difference. As a matter of fact, we know that the piling on of the particular sanctions that are in this amendment will cause a very great deal of harm for Americans, for South Africans, for the future of our relationship, for the future of trade, for the future of business.

One can make an argument that it is clearly our purpose to fight apartheid and to do so to target sanctions and also our purpose to try to maintain a relationship with South Africa that is to follow.

It is in that regard, Mr. President, that I ask Members to reject this amendment.

Mr. President, I yield back all time on our side. I move to table the Ken-

nedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. LUGAR] to table the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], is necessarily absent.

The PRESIDING OFFICER (Mr. McCONNELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—51

Abdnor	Gorton	Murkowski
Andrews	Gramm	Nickles
Armstrong	Grassley	Pressler
Boren	Hatch	Quayle
Boschwitz	Hawkins	Roth
Broyhill	Hecht	Rudman
Chafee	Heflin	Simpson
Cochran	Helms	Stafford
Cohen	Humphrey	Stennis
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Tribble
Durenberger	Mathias	Wallop
Evans	Mattingly	Warner
Ford	McClure	Wilson
Garn	McConnell	Zorinsky

NAYS—48

Baucus	Glenn	Melcher
Bentsen	Gore	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Hatfield	Nunn
Bumpers	Heinz	Packwood
Burdick	Hollings	Pell
Byrd	Inouye	Proxmire
Chiles	Johnston	Pryor
Cranston	Kennedy	Riegle
D'Amato	Kerry	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Long	Specter
Exon	Matsunaga	Weicker

NOT VOTING—1

Goldwater

So the motion to lay on the table amendment No. 2736 was agreed to.

□ 1720

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

AMENDMENT NO. 2734

The PRESIDING OFFICER. The question recurs on the Helms amendment, on which all time has expired.

Mr. HELMS. Mr. President, I ask unanimous consent that I may have 2 minutes on the bill.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor and without it being charged against his time?

Mr. HELMS. I yield.

AGENDA

Mr. BYRD. Mr. President, I seek recognition at this point in order to ask the distinguished majority leader what the program is for the rest of the day, what it is likely to be tomorrow, and where we go from there.

□ 1730

Mr. DOLE. Mr. President, if I may have the attention of my colleagues, there will be a window from about 6:30 until 8 o'clock, during which time we shall continue to conduct business as we did during the window last night, except for about 30 minutes when we could not find any business. We will continue on the bill tonight. The clock is running as far as time is concerned.

I am advised that on the Democratic side, there may be as many as eight additional amendments, which means eight additional votes. I hope that is not an accurate count. I am not certain how many amendments will be on this side. I hope there are not that many, although there are 62 listed.

We do plan to stay in tonight. If there are votes ordered between 6:30 and 8, if there is no objection, I ask unanimous consent that those votes be stacked back to back.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I think that would be very agreeable, and I believe that Senators on this side would want to see that hour and a half filled, that the time run so that at the end of the line tomorrow, we would not have that additional hour and a half to go, which could be expended tonight. If the hour and a half could be utilized by speeches that have to come off the time of the bill or amendments that could be debated and perhaps stacked, as the distinguished majority leader has indicated, it would expedite matters if it helps us to come to a final conclusion on this bill tomorrow.

Mr. DOLE. I share the view of the minority leader. I have just been advised by the distinguished manager on this side that he will be here during that period. He would like amendments to be offered. If not, there are still a couple of Senators who have about 3 hours of special time that they could use to take up part of that time. But if we could stack the votes during that period, perhaps we would

have two or three to dispose of when we come back.

Mr. BYRD. Mr. President, I shall ask a very important question because it can well affect Senators' schedules beyond tomorrow, even though action may be, and hopefully will be, concluded on the South Africa measure. What is the plan with respect to the short-term debt extension? If it develops, as I have read in the paper, that there may be a very major amendment sought to be attached to that short-term extension, I would think Senators might want to hold onto their airline reservations but also have alternate plans.

Mr. DOLE. If the distinguished minority leader will yield, it seems to me if there is an indication that when the short-term debt ceiling is brought up, there is going to be a major debate on any amendment—I do not care what the amendment is, and someone indicates that that will not happen today—I am going to urge my colleagues to let it go; in other words, pass the debt ceiling. I know there are very important amendments. There are 26 amendments on the regular debt ceiling. I know that a number of Senators on both sides feel strongly about their amendments. But obviously, we cannot start the process of putting them all back on the short-term debt extension.

I just received a call from the Speaker when I was at the desk, saying, "When are you going to send me the adjournment resolution?" I think I understand what he has in mind, to send us the debt ceiling and adjourn. If we want it clean, we can have it clean and they are gone. I told him we would have that little problem.

I do say this: If there is someone on either side who intends to have an extended debate on any amendment, whether it is Gramm-Rudman or some other amendments, I hope that if someone has in mind doing that, we know about it so we can work it out and get out of here tomorrow afternoon at a reasonable time.

Mr. BYRD. Mr. President, if the distinguished Senator from North Carolina will yield further under the previous understanding, when does the distinguished majority leader intend to call up the debt limit extension?

Mr. DOLE. The House is still debating it, I am advised, but I hope to do that—if we could finish this bill this evening, I think it is possible to do that in the morning.

We have one other bill we hope to bring up. I am advised it is of some urgency as far as the District of Columbia is concerned. That is the DC appropriations bill. We are trying to get a time agreement on that. I am not certain we are having any success.

We need also to extend the Superfund.

Mr. STAFFORD. Mr. President, will the majority leader yield?

Mr. DOLE. I do not have the floor. The minority leader has.

Mr. BYRD. The distinguished Senator from North Carolina has the floor.

Mr. HELMS. I yield to the Senator from Vermont.

Mr. STAFFORD. I would like to respond to the majority leader. We have an understanding with the House that they will bring over a bill tomorrow. It will be up at 10 o'clock by unanimous consent. It would supply \$22 million for EPA to operate at current level of Superfund through the month of September. Otherwise, they will have to send out notices of intention to terminate contracts, lay off people, and stop work at 72 sites. I do not think anybody wants that to happen. So, it will be our hope that that will come over here by unanimous consent tomorrow and it can be done by unanimous consent sometime tomorrow.

Mr. BYRD. Mr. President, if the Senator will again yield, let me say what I am about to say and I hope it will not be misunderstood.

There are Senators on both sides of the aisle who are very supportive of the Gramm-Rudman-Hollings amendment. There are Senators on both sides of the aisle who oppose that amendment. I am saying neither here nor there on that point. But I am saying that if that amendment is called up on the short-term extension, there will be considerable debate. I would say at that point, regardless of the outcome—I am not saying what the outcome should be, but I am saying that if that amendment is offered, I believe Senators ought to forget about going home for the recess until action is completed, one way or the other.

We cannot afford to go home without action taken on a short-term debt extension. Otherwise, we know what will happen to Social Security, for example. To avoid that, the Senate should stay here until the work on that short-term extension is done. If it takes part of the recess, that is fine. But I think Senators should know that if the Gramm-Rudman amendment is going to be offered to that legislation, we ought to just plan on staying here a while and not going home on recess until the debt-limit extension is finished.

I do not know what the other body will do. In the past, we have had some experience with their taking final action and if we in the meantime, adopt an adjournment resolution, they go home and leave the Senate holding the bag. So it may be well to hold up action on the adjournment resolution, and make sure that we know where we are going here on this short-term ex-

tension before Senators pack their bags and leave town.

My other thought would be to ask the distinguished majority leader how late he intends to stay in this evening and what time he intends to come in tomorrow.

Mr. DOLE. I guess I would have to make some judgment on how many amendments there may be tonight and how we are going to handle the debt ceiling. Maybe I can do that between now and, say, 8:30 or 9. I have been asked by the Speaker, of course, to send the adjournment resolution back this evening or no later than tomorrow morning. I think I detected a rather firm request for that in his message. So that is a consideration, too.

I think the information the Senator has just provided will be helpful. I think we are on notice now that if the amendment comes on Gramm-Rudman, there will be extended debate. I would guess somebody will say, "Well, if there is going to be an amendment on something else, there may be extended debate on this side." I think what we may do is take up the debt ceiling, keep it clean, pass it, complete action on this bill either tonight or early tomorrow morning, do the extension that we need to do, and depart sometime around 3 or 4 o'clock tomorrow.

Mr. BYRD. If I may add one final postscript, I think the distinguished majority leader has already indicated what his plans are, but I believe I understood the majority leader to say there will be rollcall votes even beyond the window, into the evening. That will definitely help on tomorrow, because the more action we take today, the more time we take off the hours on the bill today, the more amendments we are able to dispose of today—hopefully, this will be cut down considerably—then the sooner we can closeup shop tomorrow.

Am I correct?

Mr. DOLE. That is certainly important, Mr. President. I hope Members would not say, "I will offer my amendment tomorrow." We are running out of tomorrow. After tomorrow, I hope we do not have any tomorrows for 2 or 3 weeks.

If we can do that this evening, I know there are a number of Senators waiting to offer amendments, we have some lined up, and that will be helpful.

I thank the distinguished minority leader.

Mr. BYRD. I thank the distinguished majority leader and the Senator from North Carolina.

Mr. RUDMAN. Will the Senator yield?

Mr. HELMS. I ask unanimous consent that I may do so without losing my right to the floor or have it come out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. I want to say respectfully to the distinguished Democratic leader and to our majority leader that there are a number of people in the Chamber on both sides who will have some problems voting for even a temporary extension of this debt ceiling without consideration, if necessary, of what we consider to be vital in terms of this economy.

□ 1740

I am not going to get into a speech about that today but, quite frankly, to put it as bluntly as I can, I agree with the Democratic leader. I think it is more important we discuss this issue and discuss it here than it is for anyone to go home.

I thank the Senator from North Carolina.

Mr. HELMS. The Senator is quite welcome.

Mr. President, let me see if my understanding of the parliamentary situation is correct. The pending business is the amendment sponsored by the Senator from North Carolina and several others; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And all time on that amendment has expired or been used?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. And the yeas and nays have been ordered?

The PRESIDING OFFICER. That is also correct.

Mr. HELMS. I thank the Chair.

Now, Mr. President, after the debate I met with Senator WEICKER and others who had some concerns about the amendment and, as an accommodation to them, I prepared modifications which they have approved.

Now, it is a matter of no moment to me whether it is modified or not. I like it either way. But I must ask unanimous consent, as the Chair knows, in order to modify an amendment on which the yeas and nays have been obtained. So I send a modification to the desk and ask unanimous consent that it be in order for me to do so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

In this case, Mr. President, I ask the clerk to read the modification.

The PRESIDING OFFICER. The clerk will read the modification.

The legislative clerk read as follows: Modifications to the Helms' amendment numbered 2734.

On page 2, line 21, strike the word "South." on page 5, line 7, strike all beginning after the word "Act" through line 20 and insert in lieu thereof the following:

"If the South African Government agree 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."

On page 6, strike all after line 8 and insert in lieu thereof the following:

"(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."

Mr. HELMS. Mr. President, I thank the clerk for reading the text because it has not been available in print.

Now, let me say to the majority leader, as I have said to him and the distinguished manager of the bill, if this amendment is approved, I have no intention of calling up any of the 14 other amendments that I have on the approved list, and I think other Senators may feel the same way about it.

Mr. DOLE. Mr. President, if I could have 2 minutes off the bill.

Mr. LUGAR. I yield 2 minutes off the bill to the distinguished majority leader.

Mr. DOLE. Mr. President, let me indicate that based on some of the concerns expressed, there was an agreement we would make some modification so there is no question we are talking about South African violence as well as violence on anyone else's part, unprovoked violence, and we believe we have now changed the amendment. So I would hope the vote might be unanimous, and I will indicate to anyone that was the purpose, when it was raised by the distinguished Senator from Massachusetts. He had some concerns about it. The Senator from Connecticut had concerns about it. The Senator from Maryland had concerns about it. The Senator from Kansas [Mrs. KASSEBAUM] had some concerns about it, and others. I thank all those who participated in trying to resolve it. I thank the distinguished principal sponsor, Senator HELMS.

We have taken out one section altogether that caused problems. We have modified the other section that I think was of concern. I thank those Senators who were willing to compromise in what I believe is the spirit of trying to send the strongest possible message we can.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield 2 minutes off the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, what the majority leader has indicated is in the sense of trying to make the proposed amendment of the distinguished Senator from North Carolina evenhanded.

Now, I have to say that there is still rhetoric in there which would not be rhetoric that I would like to see included in anything to which I put my name. On the other hand, the operative section of that amendment has clearly been altered as to where the conditions and the requirements apply to both sides insofar as violence is concerned.

Again, I have to repeat that there is entirely new language and the language states:

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;

All of which, I might add, they have not done, nor have they agreed to. But at least it is in there now. It just is not a condemnation of violence as being something belonging to the other side.

So I would only say this, that it is an imperfect amendment as far as I am concerned. But, on the other hand, in the spirit of trying to get out a bill and a strong bill—do not forget that is what we are talking about, a law—this will assist along that path to make a clear-cut statement by this station against apartheid and all of its evil. If it means that even more Senators will add their names to this legislation and to the possibility of an override, fair enough. I am not interested in a vote on apartheid. Everybody is against apartheid.

We are interested in a law which represents the policy of this Nation and which uses the moral suasion and the real suasion of this Nation to end that system and to end the tragedy that has been visited upon the blacks of South Africa. It is in that spirit that we met in an attempt to go ahead and have compromise.

I might add Senator LUGAR had already done that. Senator DOLE had done that. Now we have something which again is not to my taste and probably now not much to the taste of the Senator from North Carolina, but at least it is a long stride to achieving the legislation that I feel so deeply is necessary to alleviate the terrible plight of our friends and allies in black South Africa.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Who yields time?

Mr. KENNEDY. I yield myself 4 minutes on the bill.

Mr. President, I commend those who have attempted to make this particular provision more acceptable to this body and to make it perhaps more evenhanded in its alleged purpose, which is the condemnation of violence. But quite frankly, even with the changes that have been made here, the amendment misses the mark.

This legislation ought to be a message of support for the victims of apartheid and for those who are working to end apartheid. That is one purpose of this legislation—to make clear this country's opposition to apartheid. But, this amendment attempts to refocus our attention—off of apartheid and on to the performance and behavior of the ANC. This diverts and dilutes the thrust of this bill.

□ 1750

The amendment has had other references added—about violence by the South African Government, but, it still tries to link United States policy toward the Government of South Africa to the conduct of the ANC. Our view of apartheid should not be colored by our opinions of the ANC.

The amendment also has rather gratuitous language in here that actually threatens the Front Line States and tries to equate them with Libya or Syria or other countries that really do "harbor" terrorists.

I think all of us deplore violence as well as those organizations committed to violence. Unfortunately the world history of today is that there are individuals and organizations that exist that continue this kind of regrettable behavior. But if there is a finding that the Front Line States do, in fact, "harbor" terrorists, as determined by the Secretary of State, there is a whole range of activities that can be taken by this Government against those Front Line States. But the leaders and people of the Front Line States deplore terrorism as much as they deplore apartheid, and they are trying to work with the people of the United States to free South Africa from apartheid.

This threat to the other nations of Africa is gratuitous, I think, and certainly not consistent with the thrust of the legislation.

So, Mr. President, I could list a series of other provisions in this amendment that are objectionable, such as the failure anywhere to give any definition of what terrorism is, for the purposes of this particular legislation. Remember, this amendment was never considered in Committee. The amendment is long and detailed. The language has been changed and altered from the original. But, the fundamental problems, I think that the amendment misses the direction and purpose of this legislation and actually changes it. The real purpose behind

this amendment is to condemn the ANC. There are probably some people in the ANC and some activities of the ANC that are worth deploring.

All of us, for example, deplore terrorism. But this amendment does not include any mention of the terrorist activities of the Government of South Africa, with its Government policy of torture and beating and killing—of men, women, and children. There was no mention of that in the first draft, and it still is not there. There still is no mention about other forms of government terrorism—about detainees being separated from their families—some detainees as young as 12, 13, and 14 years old.

As worthwhile as the efforts have been to try to tinker with this particular amendment, I feel, as one Member of the Senate, that it should be rejected, and I intend to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona. [Mr. GOLDWATER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. COCHRAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—67

Abdnor	Garn	Melcher
Andrews	Gorton	Murkowski
Armstrong	Gramm	Nickles
Bentsen	Grassley	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pressler
Broyhill	Hawkins	Quayle
Byrd	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Sasser
Cochran	Helms	Simpson
Cohen	Humphrey	Stafford
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Symms
DeConcini	Kasten	Thurmond
Denton	Laxalt	Trible
Dodd	Leahy	Wallop
Dole	Long	Warner
Domenici	Lugar	Weicker
Durenberger	Mathias	Wilson
Evans	Mattingly	Zorinsky
Exon	McClure	
Ford	McConnell	

NAYS—31

Baucus	Harkin	Moynihan
Biden	Hart	Pell
Bingaman	Hollings	Proxmire
Bradley	Inouye	Pryor
Bumpers	Kennedy	Riegle
Burdick	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
Dixon	Levin	Simon
Eagleton	Matsunaga	Specter
Glenn	Metzenbaum	
Gore	Mitchell	

NOT VOTING—2

Goldwater Stennis

So the amendment (No. 2734), as modified, was agreed to.

□ 1810

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask if our floor manager would yield me 8 minutes.

Mr. PELL. I yield 8 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 8 minutes.

Mr. GLENN. Mr. President, I thank the distinguished floor manager of the bill.

Mr. President, I rise to express my strong support for legislation mandating meaningful sanctions against the Government of South Africa.

Now I am not under any illusions whatsoever that the enactment of United States sanctions will immediately bring about the desired changes in South African Government and society; in that respect sanctions are an imperfect foreign policy tool. But sanctions will serve several very important purposes.

First, whereas the policy of constructive engagement, as the administration has called it, has failed miserably, sanctions will make it unmistakably clear that the United States finds the pervasive and institutionalized racism that is apartheid a total unacceptable violation of the universal principles of human rights and liberty upon which we as a Nation were founded and which we as a people cherish.

I would note that the Commonwealth of Nations, of which South Africa has been a part, also agrees basically with what we are trying to do here today. Those are sister nations within the Commonwealth. So it is not as though we, the United States, were acting solo and irresponsibly in this situation.

Second, they, for example, will signal to the South African regime that its claim to membership in the democratic community of nations will be rejected so long as South Africa denies basic democratic rights to a majority of its population solely on the basis of the color of their skin; so long as it locks up opponents without charge and without trial; and so long as it insists on muzzling and censoring its press.

And third—and perhaps most important of all—sanctions will demonstrate to the oppressed majority in South Africa that we are not unsympathetic to their struggle for democratic rights

and their legitimate claim to participate in the governing of their nation.

Mr. President, I have a very hard time understanding the arguments of those who offer a host of reasons why the United States should not take this principled stand. Do they forget the universal truths we claim are self evident—"that all men are created equal, that they are endowed by their creator with certain unalienable rights?" If we truly believe those words, then it is imperative that we support the struggle of the South African majority.

We pledge, in our pledge to the flag in this country, that we are "one Nation, indivisible, under God," all those things that we say, and then we end it up by saying, "with liberty and justice for all." We do not say except those with black skins, except those with brown skins, except those that agree with us. We say "for all" and it is that kind of beacon for freedom and hope and opportunity before this world when we make that pledge.

For 6 long years the administration pursued a policy of constructive engagement and quiet diplomacy. And 6 years later, it is all too clear that, where South Africa is concerned, the administration has used quiet diplomacy as an excuse for closing its ears to the cries of those who suffer. As a result, constructive engagement has led only to the destructive enmeshment of the majority of South Africa's population.

Let me say, we have had American influence in South Africa that has been good in the past. I would cite the role played by some companies, such as one we have in Ohio, Goodyear. They have been in South Africa for some 60 or more years. They have taken the lead in the training and promotion of blacks and have blacks in middle management positions there. And they have been an example of what we wish all companies were alike. This was long before the Sullivan program passed, long before we were involved, long before the United Kingdom long before the Commonwealth nations started taking action against South Africa themselves. They have trained blacks. They have promoted blacks. They have opened doors there and we wish that other companies in South Africa had followed their lead.

So we have not been without some United States influence in South Africa, and good influence, I might add. I do not want to disturb that.

Some opponents of sanctions still contend that the internal situation in South Africa is none of our business, or that the collapse of the white minority regime will lead to the establishment of a Communist government hostile to United States interests. I believe that both arguments are fundamentally and fatally flawed. First, if fighting oppression and supporting

social justice is our business anywhere, then it is our business everywhere—from the gulags of the Soviet Union to the jails of South Africa. The second argument is flawed because it assumes that the United States should oppose the establishment of Communist regimes, but denies the obvious corollary that we should promote the establishment of democratic regimes. How can it be legitimate to oppose what we do not like, but not legitimate to give concrete support to what we do like? Nor do I buy the argument that the only two options in South Africa are institutionalized racism on the one hand or communism on the other. Yet South Africa does stand at a crossroads, and options available today will not be available forever. If the South African Government refuses to address the legitimate demands of its black majority for their rightful place in government and society through good faith negotiations for a transition to true democracy, I believe it is inevitable that polarization will intensify. The situation will deteriorate into all-out civil war in which moderate democratic black leaders will be discredited and radical revolutionaries will gain the upper hand in the struggle.

What effect there may be from American business interests there that have taken the lead in apartheid will mean nothing. It will go down in such confutation.

We can only forestall such an undesirable turn of events by weighing in today, forcefully and concretely, for negotiation, for peaceful yet fundamental reform; for democracy; and against the insult to human dignity, and affront to human rights, which is apartheid.

The administration, for its part, argues that we should refrain from enacting sanctions because they would hurt the blacks in South Africa. That argument makes about as much sense as saying that Abraham Lincoln should not have issued the Emancipation Proclamation since it temporarily put 4 million slaves out of work.

And those who argue against sanctions on the grounds that South African blacks are relatively better off economically than many of their impoverished neighbors are missing a key point—a point driven home by America's own revolutionary experience. America's Founding Fathers were a relatively prosperous lot. But they were willing to risk all of it for something they held dearer than material well-being—and that "something" was freedom and the right to determine one's future.

Of all the people in the world, we Americans, who were raised on Patrick Henry's stirring cry of "Give me liberty or give me death," should understand and support the yearning of South Africa's blacks for their own liberation from the tyranny of apartheid.

And we—of all people—should be willing to demonstrate that support with deeds as well as words.

I yield the floor.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. Mr. President, will the minority floor manager yield me 15 minutes?

Mr. PELL. Mr. President, it is my understanding that the Senator from Missouri will take 15 minutes on a side?

Mr. EAGLETON. Yes.

The PRESIDING OFFICER. Does the Senator have an amendment?

Mr. EAGLETON. I have an amendment at the desk.

Mr. PELL. I yield 15 minutes.

The PRESIDING OFFICER. If the Senator offers his amendment, he will have his own time under the unanimous-consent agreement.

AMENDMENT NO. 2737

Mr. EAGLETON. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. EAGLETON], proposes an amendment numbered 2737.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, strike lines 8 through 21, and insert the following:

SEC. 313. (a) The provisions of sections 301 through 312 and sections 501(c) and 503(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.

Mr. EAGLETON. Mr. President, this amendment relates to those actions which must be taken by the South African Government before the sanctions under the bill may be terminated or modified. It does not change the basic thrust of the five conditions con-

tained in the committee bill with which the South African Government must comply to come out from under the sanctions imposed by the bill. Rather, it elaborates upon four of those five conditions to assure that the South African Government takes truly meaningful and not cosmetic actions toward dismantling apartheid. In so elaborating, the amendment takes language already contained in statements of policy in the committee bill.

Under section 313(a) of the bill reported by the Foreign Relations Committee, all sanctions imposed by the bill upon its enactment, those in title III, as well as all sanctions imposed in the future, those in title V, are to be terminated if: first, Nelson Mandela and other political prisoners are released; second, the present state of emergency is repealed and all detainees held under that state of emergency are released; third, democratic political parties are unbanned; fourth, the Group Areas Act and the Population Registration Act are repealed; and fifth, the South African Government publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

Under subsection (b) of this section, the President has the power to suspend or modify any of the sanctions imposed by this act if Nelson Mandela and other political prisoners are released and any three of the four remaining conditions listed above are met.

These so-called triggers for the modification or termination of sanctions are fine, as far as they go. But in virtually each instance, they lend themselves to the possibility of cosmetic reform on the part of the South African Government. Let me be more specific.

First, the mandatory trigger states that Nelson Mandela and other political prisoners must be released.

Given the South African Government's track record on its dilemma of having held Nelson Mandela too long in prison, it is not, in my view, far-fetched to imagine that the South African Government might offer to release Mr. Mandela and a handful of other political prisoners.

The amendment we propose seeks to close that loophole by making it absolutely clear that in order for sanctions under this bill to be terminated or modified, Nelson Mandela and all other political prisoners must be released.

Second, the second modification to the committee bill that I propose relates to the condition that the South African Government unban democratic political parties. Again, I can envision the South African Government may be issuing an unbanning declaration, but not taking the crucial next

step of creating conditions in which free political activity becomes possible. The amendment simply expands upon the committee bill's condition that democratic political parties be unbanned by stating that the South African Government must "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."

Third, the third modification to the committee bill relates to the condition that the Group Areas Act and the Population Registration Act be repealed. These two acts, along with the "homelands" policy, are the essential pillars of apartheid.

In 1948, the incoming National Party government, controlled by the Afrikaners, embarked on its systematic program of apartheid by passing the Group Areas Act. Under this law, urban blacks, coloureds, Indians, and whites are all compelled to live in their "own" areas, as so designated by the State. And in order to administer effectively the Group Areas Act, it was necessary to classify each person in South Africa. Thus came about the Population Registration Act, a rigid system based on appearance, general acceptance and descent, which divides up the population into black, white, and coloured, and then subdivides the black and coloured categories in order to create "minorities."

□ 1830

There is no question that repeal of these two obnoxious laws would be major reforms. But mere repeal of what is now on the books offers the South African Government another opportunity to put forward the appearance of reform without any real change in its policies. One has only to look at South Africa's most recent promises of reform to see how hollow they ring. The Restoration of South African Citizenship Act was approved by Parliament and came into force on July 1, with much fanfare that it brought life to President Botha's commitment to move away from the "outdated concept of apartheid" toward a "new South Africa." It was not until several weeks later, when the South African Department of Home Affairs spelled out the details of the new law, that it was made clear that South African citizenship will be restored to only about 1.7 million of the estimated 4 million blacks of the independent homelands who live in South Africa. The other 2.3 million people remain statutory foreigners; so, too, do the 5 million people who live within the independent homelands. Only the independent homeland citizens who had received permanent residence rights under the law that was the basis of the so-called pass laws are eligible to regain South African citizenship.

The second element of South Africa's significant "reform" was the promise to repeal the influx control or pass laws. On July 1, all influx control laws, of which the most important was the Urban Areas Act, were abolished. In fact, new freedom of movement was restricted to black South African citizens and the 1.7 million blacks who are eligible to regain South African citizenship. The 5 million who live within the independent homelands are, in the opinion of South African civil rights organizations, worse off than they were before. Instead of being subjected to the controls of the old Urban Areas Act, they fall under the harsher restrictions of the Aliens Act.

It seems clear, at least to me, Mr. President, that we have a pattern here. South Africa abolishes the pass laws, then sets about arresting blacks for "trespassing" under a different law. South Africa declares it will restore South African citizenship to blacks, but then makes citizenship available to only a limited number of blacks, and even that is not automatic. South Africa abolishes the Mixed Marriages Act, but then refuses to allow married people from different races to live together where they choose.

Against this background, the condition that South Africa repeal the Group Areas Act and the Population Registration Act must be expanded to state explicitly that the Government may institute no other measures with the same purposes.

Fourth, and final modification sought by this amendment relates to negotiations between the South African Government and representatives of the black majority. The committee bill requires only that the South African Government "publicly commit" itself to good faith negotiations. The amendment I propose changes that requirement to one of agreeing to actually enter into negotiations.

Mr. President, the issue of violence is central to the political debate in South Africa and thus to the prospect for negotiations to determine a future political system in South Africa.

The Government of South Africa demands of its opponents a renunciation of violence as a precondition to negotiation. Its opponents say their violence is reactive, and call upon the Government to abandon its violence first.

I think it is instructive to look at the Commonwealth Group of Eminent Persons Report in seeking an answer to these assertions. In the section of the EPG report entitled "The Apartheid State: Origins of Violence," it states:

The implementation of this design [of apartheid] over the years, with the Government riding rough-shod over the wishes and traditions of the people affected, necessitated coercion by the State in a manner and on

a scale which reveal the inherent violence of the system . . . By 1960 it was plain that the apartheid state was determined to put down by violent means peaceful protest of any kind and to clamp down on any organization which sought to mobilise black opinion. It is against this background of total repression, in which all avenues for legitimate protest and non-violent opposition were denied, that the decision of the ANC and the PAC finally to turn to armed resistance must be viewed . . .

In a further section of the Eminent Persons Group report, "Violence during the Group's Visit," it states:

Clearly the police were confronted with an enormously difficult task, in having to try to maintain law and order in an atmosphere seething with discontent, distrust and hostility. But equally clearly they chose in the main to adopt an aggressive and ruthless approach. As evidence to the 1985 Kanneremeyer Commission makes plain, the police do not hesitate to fire lethal buckshot into crowds of unarmed black civilians, even when they are not threatening and are on their way to a funeral. When confronted with an illegal gathering (and two people are sufficient in law to comprise a "gathering"), the police respond with a degree of force wholly out of line with that either required by the circumstances or permitted by law.

Everywhere we went we received complaints about police and army conduct. So widespread and so consistent were these complaints that to us they had an unmistakable ring of truth; of excessive force, of gratuitous beatings, of point-blank shootings.

The EPG report, as evidenced in the selected quotes above, leaves little doubt as to the origins of the violence that permeates daily life in South Africa.

Mr. President, again I emphasize that the amendment does not change the basic thrust of the five conditions with which the South African Government must comply to bring about the termination of sanctions. Rather, it elaborates upon what is already in the bill to assure that any of the actions taken by the South African Government are meaningful steps toward dismantling apartheid. Again, I would point out that virtually all of the additional language in the amendment is taken from title I of the committee bill.

I urge adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I would like to say that I think the Senator from Missouri [Mr. EAGLETON] has made some very important points, and, in fact, clarifying the intent of the bill. We are prepared to accept the amendment on this side.

Mr. EAGLETON. I thank my colleague from Kansas.

□ 1840

Mr. PELL. Mr. President, I share that thought. It is an excellent amendment. It improves the language according to the conditions which must

be met for the South African Government for the termination or suspension of sanctions. Altogether, I think it improves the bill. I recommend to my colleagues that we accept this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. EAGLETON. I thank my friend from Rhode Island.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 2737) was agreed to.

Mr. EAGLETON. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2738

(Purpose: To require an affirmative vote of the Congress before the President may modify sanctions by an international agreement)

Mr. HEINZ. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 2738.

Beginning on page 79, strike out line 17 and all that follows through line 13, page 81, and insert in lieu thereof the following:

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies and other trading partners of South Africa to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be official executive or legislative acts of governments and no less extensive or direct than those 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 and other trading partners of South Africa 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 and other trading partners of South Africa 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 section 301 through 312 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.

On page 91, line 9, strike out "disapproves" and insert in lieu thereof "approves".

Mr. HEINZ. Mr. President, before I address the details of this amendment, I wish to say a word about the subject we address here today. That is the intent of the Senate to act, to speak for the American people on the urgent need to abolish the evil of apartheid in South Africa. I recognize there are disagreements among some in this body about how exactly we should bring about an end to apartheid, what we can do about that. But there should be no disagreement that the system of racism and the violence used to preserve it are a gross denial of basic human rights, an affront to American values, an invitation to unrest and radical revolution and a threat to peace and stability in southern Africa.

Some have been convinced by the South African Government's claims that it is reforming apartheid, getting rid of it just as fast as it possibly can. But those who look closely, like those in the Commonwealth's Eminent Persons Group, have seen that the Government's so-called reform program, and I quote those of the Eminent Persons Group, "does not end apartheid but seeks to give it a less inhuman face."

Mr. President, that face is inhuman indeed. At the moment, thousands are in detention for opposing apartheid. Most are secretly apprehended and jailed not because they are violent, not because they are Communists, but

simply because they are determined to overthrow apartheid, or because somebody just thinks they are. I say thousands of detainees without a specific number because no one knows exactly how many people are under arrest. Some say 5,000, others 10,000. It is against the law to report such arrests under the state of emergency. More thousands have died since the violence began, again in 1984.

Again, we cannot say exactly how many have died. More than 1,000, many more. But under the state of emergency, that information is also restricted.

No amount of powder and paint, no amount of cosmetic surgery can change the grim reality of apartheid; the inhuman face of apartheid cannot be made prettier. No amount of artifice can dress up a government that shoots children or imprisons them simply because they will not learn to obey the rules of a system which has kept their parents in bondage. There is no perfume which can disguise the carrion stench of racism. Perhaps even the South African Government itself has recognized that fact, because now they have imposed a news blackout to the press that is unprecedented in the history of this planet. It is ruthless, it is complete, it is designed not to disguise the sight or smell of apartheid but to make it vanish.

Mr. President, it will not work. Most Members of this body have long since seen the ugly face of apartheid for what it is and now we have seen that the South African Government and its intransigence on apartheid is a guarantee of revolution within South Africa and instability in the region.

The South African Government demands that its opponents renounce violence. Meanwhile, it is that very Government that tortures children, dispatches flying squads of police to intimidate, uses well-equipped armed forces against unarmed civilians, and puts whole regions under house arrest.

Mr. President, the Senate is going to adopt, either later tonight or tomorrow, clear, unequivocal sanctions against South Africa and apartheid. There is certainly no doubt about what the Senate intends to do. The sanctions we will adopt against South Africa are extremely serious steps. The American people are asking us to take a strong, unambiguous, unequivocal action to demonstrate where this Nation stands and, I might add, the Senate is marshalling an enormous amount of time, energy, effort, and emotion into fashioning a sanctions policy in this legislation to take a strong stand. But, Mr. President, I have examined this legislation. There are a lot of very good parts to it. But notwithstanding those very good and important parts, the legislation as it is

now written, I am sorry to report, is a sham.

"Sham" is a strong word, Mr. President, but it is the word I have to use to describe a loophole of such proportions that it could undo all the vital work we are doing here today. It contains an escape hatch so vast that our failure to close it will make a mockery of this legislation and perhaps even the Senate. What I am referring to is section 401 of the committee bill.

Section 401 is nominally intended to achieve multilateral cooperation in imposing sanctions to make them more effective. The committee bill, in the name of achieving multilateral sanctions, in fact gives the President sweeping authority to vitiate, to modify, to eliminate U.S. sanctions in this legislation, the ones we have aimed against apartheid, that we presumably will enact.

I do not know whether that is intended or not, but the effect of the provision that I have just cited is legislative hypocrisy. It is legislative hypocrisy because the Senate will be saying one thing and doing something entirely different.

The Senate is saying that this bill, if it is enacted, is going to impose tough sanctions. But what the Senate would be doing in this legislation is giving the President, who says he is opposed to sanctions, the plain, unvarnished power to do as little as he wants. If that is what the Senate wants to do, so be it, but I think we ought to be up front about it. That does not happen to be the choice of this Senator. I do not want to say one thing and do another. But let me be clear as to where I come down on what we are trying to do.

I may not be in favor, as some Senators may, of imposing any sanctions no matter how severe simply because we are mad at South Africa. What it is we want to do needs to be effective, needs to be carefully thought through.

But there are probably some Members in this body who would be satisfied with nothing less than a total end to all relations with South Africa, economic and/or diplomatic, no matter the effect on blacks or whites, irrespective of the need to obtain any American leverage in the future. That is not my position, but I do believe that what we do, however much or little, should have meaning and be real. We can hardly tell the American people that we are acting seriously on the subject of sanctions against apartheid if we leave this part of the bill as it is.

The section dealing with multilateral sanctions allows the President to modify the American sanctions, U.S. sanctions, that we would enact in this legislation to have them conform with any international agreements on sanctions to which the United States may become a party and then enter into.

□ 1850

Now, it is possible such multilateral sanctions could be strong, but, frankly, it is more than likely that they would not, and in this latter case such a weakening of our sanctions policy could only be blocked by yet another piece of legislation, a joint resolution of disapproval. That is what section 401 requires.

What that means, Mr. President, is that if the President said he had sat down with Margaret Thatcher and the two of them had decided on a course of action which was going to have just a little bit more in the way of net economic effect, whatever that is, on South Africa than the United States acting alone, he could change anything in this legislation and we would have to pass a resolution that would be subject to a Presidential veto. If the President did veto it, if we felt that it was important and we were committed to do so, we would have to override his veto by a two-thirds vote of both Houses. And as a result, unless we do change the legislation, we should recognize we are giving to the President the power to entirely nullify, if he chooses to do so, the entire package of sanctions that we have been laboring so hard here to assemble.

To my mind, Mr. President, that makes no sense at all. We all realize that any sanctions package we produce may well have to be enacted over the President's veto. That is why the managers of the bill want to get 67 votes. If we adopt this bill as now written, we guarantee that both Houses of Congress will have to achieve subsequent two-thirds majorities, not just once on this legislation if necessary, not just on one resolution of disapproval, but every time and any time—and they are endless—the President seeks to modify or vitiate or eliminate U.S. sanctions in the name of multilateral cooperation, and each of those sanctions are ones that this Congress has enacted.

I would like to give the President the benefit of the doubt on what course he would take. He has not, however, made much secret of where he stands with respect to sanctions on South Africa. Just two nights ago in a news conference in Chicago, he reiterated his strong opposition to sanctions. So while I do not know what he would do, we have his statement to depend on, to analyze, to understand, and I fear if we pass this legislation as it is, we are doing the Senate a disservice. My amendment addresses this issue and it does so by requiring an affirmative vote of both Houses to bring into force any modifications the President may propose in the sanctions that Congress is going to enact. This has the effect of keeping the burden of proof of the need for changes in those sanctions where it belongs—on the President, and it also avoids what to my mind is

the even more serious problem of the Senate saying one thing and really doing quite another.

Now, I have discussed this amendment, Mr. President, with many people who have been more familiar than I with the evolution of this legislation. I have discussed it with people on both sides of the aisle, and all of them tell me this is not what the drafters intended. They tell me that section 401 was intended simply to encourage the President to go out and achieve more multilateral cooperation with any U.S. sanctions.

Mr. President, I think anybody who reads the legislation carefully will understand that is not what the legislation does. The committee bill as it is presented to us, yes, does urge the President to reach international agreement on coordinated sanctions that have the same net economic effect as sanctions imposed by the United States. I have said, and I think it is true, that this can only be read as calling for multilateral sanctions by many nations against South Africa whose effect in the aggregate would be as great as or perhaps greater than the United States acting alone.

Well, Mr. President, the effect, as we learned in the Soviet grain embargo, as we learned in the Yamal pipeline, the net effect on another country—in that case the Soviet Union—of the United States acting alone was someplace between zero and nil. So you do not have to come up with much of a sanctions package if you want to meet that test. I suppose that it would even be possible to say if South African Airways lands in the United States on Monday, Wednesday, and Friday, it lands in the United Kingdom on Tuesday, Thursday, and Saturday, where were we in our sanctions to say we are going to deny landing rights to South African Airways, the President could get the United Kingdom to say, well, we will just eliminate South Africa landing in the United Kingdom on Thursday and Saturday and here in the United States we will eliminate them on Wednesday and Friday and that will have more economic effect than if we did it ourselves, he would be right because South African would be landing fewer times in the United States and the United Kingdom combined but they would still be landing in both countries.

So I say that the net economic effect test is meaningless, and besides, even if it were meaningful, it is the wrong test. This Senator's test is not how big an economic burden we can heap on South Africa. Maybe that is some Senator's test. It is not this Senator's test. This Senator's test is what do we have to do to achieve a political goal, the dismantling of apartheid? What do we have to do, whether it is symbolic, whether it is real, whether it has eco-

conomic cost, diplomatic impact? The question is, what do we have to do to get the South African Government to realize that it is on a course of self-destruction?

So I hope that my colleagues, Mr. President, will accept this amendment.

Let me simply conclude by saying that while our influence in these matters is, particularly if we do act alone, somewhat limited, failure of the Senate to act violates all of the moral underpinnings of this Nation and failure to provide moral leadership, to encourage other countries to act in concert with us in meaningful ways is an abdication of our position as the leader in the free world. Although we have made our share of mistakes and while I have not always seen us follow our best instincts, I believe this country indeed stands for decency, compassion, justice, and the fulfillment of human potential. These are the fundamental underpinnings of America's character and they are diametrically opposed to the Orwellian nature of apartheid. It is not often we have the luxury of making a choice between good and evil. Too often we must try and choose between the lesser of two evils and hope that we could tell the difference as to which was which. Today I think we have a choice between good and evil, and I urge my colleagues to make the right choice. I urge them to support my amendment which will make the overall choice meaningful and enforceable.

□ 1900

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I oppose the amendment offered by the senior Senator from Pennsylvania.

I certainly share with him his desire to see the most effective bill, the most precise language, and the toughest sort of language that can be put together. But title IV of S. 2701, as reported by the committee, grants the President a negotiating authority and, more important, the flexibility he needs to reach an international agreement on economic sanctions. Unfortunately, I think that the amendment of the Senator from Pennsylvania would have the disastrous effect of making an international agreement impossible.

Our experience with the Carter grain embargo, the Siberian gas pipeline in 1982, the Libya sanctions more recently, indicates that the effectiveness of economic sanctions is directly proportional to the amount of international cooperation that is generated.

By changing the standard from the net economic effect of S. 2701 to the standard of the Senator from Pennsylvania, if no less extensive than this act, it forces all our negotiating partners to our level or nothing. In other

words, everybody has to agree to the same sanctions.

I would like to give an example that the Senator from Pennsylvania used, of South African Airways. The flights into New York City, for example, add about \$80 million to the South African balance of payments. Each country is in a different position, however. For example, we have more flights coming in than the Swiss, but banking relations are far more important to the Swiss. By being locked into only our sanctions, we do not account for the difference in circumstances.

Net economic effect I do not believe is meaningless, nor do I believe it is a sham. To lose a right to fly into the United States or Iran has real economic value. I think we have to take into consideration the differences that exist. Some countries could not meet such a standard because their trade is so small.

For example, even if Portugal had a complete trade embargo, it could not have an effect "no less extensive" than U.S. sanctions.

Mr. President, I think we run the risk of losing all coordination, which I think the Senator from Pennsylvania would agree would be a disastrous result.

Just as we would not accept the right of the French Parliament to dictate what actions the United States should take with regard to South Africa, so we cannot legislate the foreign policy of other nations. We can and we should coordinate, but we cannot dictate.

This Senator, for one, would not want to head the negotiating team which had to enter discussions with industrialized democracies carrying these burdens and instructions.

It is for these reasons that I oppose this amendment. I believe it would unnecessarily restrict the hands of the President in achieving what I think could be a significant and flexible international agreement.

Mr. HEINZ. Mr. President, will the Senator from—

Mrs. KASSEBAUM. Kansas.

Mr. HEINZ. I have seen too many Senators from Kansas today who are tall, dark, and handsome.

Mrs. KASSEBAUM. I yield.

Mr. HEINZ. The Senator points out that the amendment sets a higher goal than the legislation reported by the committee. Will the Senator agree that both in the committee print and in this legislation, whether it is net economic effect or whether it is sanctions that are no less expensive or direct, those are simply negotiating goals?

Mrs. KASSEBAUM. Those are negotiating goals, but they have two different applications with respect to what would be required, as I pointed out. Would not the Senator agree?

Mr. HEINZ. One is a standard that asks more. One is a standard that asks less.

We can debate, I think, whether or not net economic effect has great meaning or little meaning. But it is this Senator's view that it is highly desirable to set as challenging a goal as possible when it comes to having the administration negotiate with other countries any package of sanctions. Or do I misunderstand the legislation?

Mrs. KASSEBAUM. Mr. President, I was trying to point out that there are different situations in different countries that could have an equivalent effect. That was the intent of the language we designed, and I gave the example of South African Airways. In terms of landing rights, it means more to the South Africans than it would in Switzerland. Yet, certain banking regulations there could have far more effect. Therefore, if we had something that was equivalent, it would be far more effective than saying each country had to agree with the same sanctions.

Mr. HEINZ. I do not think we have any dispute over that. That is why I chose "extensive." The word "extensive" is not mirror image. The word "extensive" is meant—and I think does mean—a choice of sanctions.

If the Swiss are in a better position to impose one kind of sanction that will have more impact, this goal would clearly allow for that. If my amendment said something different, if it said that other countries have to do exactly what we do, I would agree entirely with the criticism of the Senator from Kansas. But that is not what the amendment says. Would the Senator not agree?

Mrs. KASSEBAUM. I thought the Senator was implying, though, that there had to be the same sanctions imposed.

Mr. HEINZ. I never implied that.

Mrs. KASSEBAUM. So it could be different sanctions?

Mr. HEINZ. Absolutely. There is no question about it.

Mrs. KASSEBAUM. Then, I ask the Senator from Pennsylvania why there could not be the language "net economic effect." Is this not, as a matter of fact, achieving the same end?

Mr. HEINZ. I have two problems with "net economic effect."

One, I have a philosophical problem with the idea that what we want to do is simply heap economic problems on South Africa. That may be the goal of some Senators, but this Senator believes that what we can do, what we should do, is not simply to impose economic costs on South Africa. I want to impose political costs on South Africa—political costs that are so large that they will force them to abandon apartheid.

It is perfectly reasonable for anybody to say that part of putting political costs on a country is economic costs, and I do not disagree. But that is only a part, and it is not the be-all and the end-all.

What I say to my friend and colleague from Kansas is this: The biggest issue here is not so much the goal, the policy, the standard. Those are all hortatory. None of those is mandatory. They do not force anything. The real issue here is, if the President does want to do something different, should he be able to do so without any practical limitation other than the fact that we would have to come back and really start all over from scratch.

This legislation, as I read it—and as I think legislative counsel would read it and the Parliamentarian would read it—calls for one simple thing. It says that if the President makes a determination of net economic effect, in the name of having some kind of multilateral agreement—it could be with Margaret Thatcher alone—he could eliminate, if he wanted to, the sanctions. He could allow the importation of Krugerrands. He could allow South African Airways to land here.

□ 1910

We could do all kinds of things. If we did not like it, what we would have to do is to pass a resolution of disapproval that would then be subject to veto by the President, and the only way that we could make our disapproval stick, if that is what the Senate and the House of Representatives decided jointly, is to have a two-thirds vote of both Houses in order to override his veto.

To my mind that is called going through the hoops a second time in order to jump once.

Does the Senator disagree with my analysis of what is in the legislation?

Mrs. KASSEBAUM. I do not disagree with the analysis. But I really feel that the net effect, Mr. President, of the language of the Senator from Pennsylvania would be to cut off the flexibility that I think the President needs to achieve international agreement. I really think, and I think we would both agree on this, that the success of a sanction effort is international cooperation.

We have had for 25 years a ban on the level of military exports and that has been a sanction that has been in place which has largely found a number of loopholes and various means to go around that effort. If we really intended to be effective, which the Senator from Pennsylvania has said he wishes to do with this amendment, I think we should not cut off, and I think this would do that, the means to achieve coordination and cooperation in the international community.

To me that is a real key.

As you know, the President has 6 months to gain such an agreement. If he does he may modify the sanctions in title III to harmonize with the agreement.

This authority, as the Senator stated, is subject to congressional disapproval under fast track procedures.

I think personally that as a practical matter an international agreement, even if only equal to U.S. levels, would have a much greater real impact on South Africa because of the elimination of certain provisions, and that I think is what really is the key.

Mr. HEINZ. If the Senator will yield further, the Senator, of course, is a member of the Foreign Relations Committee, and the Senator knows that treaties which are international agreements have to be approved by a two-thirds vote of the Senate.

What the committee bill does is to take what I will call in its loosest sense a precedent of the Senate and stand it on its head because it requires a two-thirds vote of the Senate to disapprove a treaty, an agreement in this case.

Does that not seem inconsistent?

Mrs. KASSEBAUM. It is an agreement. It would not be a treaty.

Mr. HEINZ. It is an agreement. It is an international agreement. I do not claim to give it treaty status. But I think the Senator understands that parallel.

Mrs. KASSEBAUM. It does not apply to the same procedures, however, that we do operate under international treaties, a requirement for a two-thirds vote of approval by the U.S. Senate.

There is a difference, I think, in distinction there that enables us to put this on a fast track as is so designed in the committee language.

Mr. HEINZ. Would the Senator be amenable to if all we did was to require rather than instead of a resolution of disapproval, whatever the President negotiated was subject instead to a resolution of approval which would only require a vote of 50 percent plus 1 on each side?

Mrs. KASSEBAUM. I would want to consult with the ranking minority members, but for myself I would have no objection to that, and I think, as a matter of fact, that puts it in a much more positive framework that would enable us to deal with it and I think in a more constructive fashion.

But I would like to have the Senator from Rhode Island speak to that as the ranking minority member.

Mr. PELL. As the Senator from Pennsylvania knows, I was very sympathetic with his amendment. But I think the modification of the amendment is most acceptable and actually improves the bill.

I recommend to my colleagues that they accept the bill as modified.

Mr. HEINZ. I do not know I have presented the modification. I may and perhaps I will.

But I simply was asking the Senator from Kansas a question. I just want to be sure we are both clear on both sides of the aisle of what I am asking about and what I am proposing as a question is whether it would be acceptable if we changed the legislation from a disapproval which, of course, does require a two-thirds vote of both the House of Representatives and Senate to enforce to a resolution of approval, which requires only a simple majority of approval of both Houses. At this point the managers of the bill say that they believe that modification, if that was all there was, would be acceptable. Do I understand that?

Mrs. KASSEBAUM. The Senator from Pennsylvania is correct.

I think, as a matter of fact, it is a positive change, changing it to subject to approval rather than disapproval.

Mr. HEINZ. I thank both Senators for being accommodating. I do not want to presume on their great good sense and comity.

It seems to me that we may also be able to work out a modification with respect to the present language of section 401, the net economic effect language. I do not happen to have what the Senator and I might call a compromise in mind. But I think if we set this amendment temporarily aside we might be able to work something else out.

Mrs. KASSEBAUM. Mr. President, I suggest that we should do that. Perhaps we can.

At this point I would have some reservation to certainly changing the standard, but I think we could meet and see if we could come up with some agreeable language.

Mr. PELL. I think if we could go ahead as we did earlier and set this amendment aside for a moment and move on to the next one and then come back to it with a common front, it would be of advantage.

Mr. HEINZ. Mr. President, if it is appropriate and in order, I would ask unanimous consent that my amendment be temporarily set aside.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I have an amendment which is very similar in some ways to the amendment by the Senator from Pennsylvania. His amendment deals with section 401 on page 80. My amendment does not touch that part so I think it is in order.

Mr. President, his amendment deals with multilateral agreements. Mine does not. But mine provides that the President cannot terminate, modify, or suspend sanctions.

This amendment is sponsored by Senators CRANSTON and KENNEDY. This amendment is to section 313 of the Foreign Relations Committee bill.

That section of the bill deals with the termination, suspension or modification of the sanctions we are adopting to pressure the South African Government to move to reform its benighted racial system.

Section 313(a) of S. 2701 presently provides that the sanctions in sections 301 through 312 and in sections 501(c) and 503(b) shall terminate if the Government of South Africa takes five steps.

These have just been adjusted, as I understand it, by the Eagleton amendment. The five steps are as follows:

Release all persons persecuted for political beliefs or detained without trial and Nelson Mandela from prison;

Second, 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;

Third, unbans the democratic political parties and permits free exercise in South Africa of all races of the right to take part in the political process;

Fourth, repeals the Group Areas and Population Registration Acts and institutes no other measures for the same purpose; and,

Fifth, publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

Mr. President, these conditions were designed to provide incentives for the South African Government to move toward government by the consent of the governed which is what we all want for South Africa.

I understand there may be efforts made on the floor to modify my amendment, to modify or change the five conditions dealing with it. I guess we have taken care of that.

Now, Mr. President, presently section 313 has no provision dealing with how a determination that the five conditions needed to terminate sanctions is to be made. Who is to make that determination and who is to approve it? S. 2701 is silent on that. The Foreign Relations Committee bill does provide procedures for modifying or suspending sanctions but it does not provide procedures for terminating sanctions.

So my amendment provides that sanctions shall terminate 30 days after the President determines and so reports to Congress that the Government of South Africa has met the five conditions set forth in section 313 of the bill, and provided that the Congress within such 30-day period passes a joint resolution approving the President's determination. There are expedited procedures provided in section 602 of the bill to ensure that Congress will have a chance to vote on such a

resolution during that short 30-day period.

My amendment also modifies the provisions of section 313(b) of the bill dealing with the procedures provided therein for suspending or modifying sanctions. Presently sanctions can be modified or suspended if the President makes certain determinations listed in that section and Congress does not disapprove that determination within a 30-day period. My amendment requires that the Congress approve the determination before it becomes effective.

Why do I want the Congress to have to approve the Presidential determination before it becomes effective? First, it makes the procedures for termination of sanctions consistent with those procedures we, the Senate, adopted last year in conference. The House then passed those procedures and passed them overwhelmingly.

In the conference bill, sanctions were not to be terminated until the President made a determination that the South African Government was dismantling apartheid and the Congress approved that determination—I repeat—and the Congress approved that determination. Congress had to approve that determination.

□ 1920

So my amendment does not strike new ground. It is consistent with what we and the House adopted last year in conference.

Aside from precedent, the reason I want the Congress to approve any Presidential determination is because it is the Congress which is setting America's policy toward South Africa. We know the President does not want the sanctions legislation we are considering. We may even have to override a Presidential veto to get this bill enacted.

What if, after all our labors, the President should terminate, suspend, or modify the sanctions based on his authority in section 313. Well, we could pass a resolution disapproving that termination. But, as the Senator from Pennsylvania just pointed out with respect to his amendment, what if the President vetoes our joint resolution? Under the present provisions, we would need two-thirds of the Members of both Houses to override that veto. Does that make sense, under the circumstances, with a President, of course, who is opposed to sanctions and a Congress who is pushing hard for them? It does not. Since it is Congress policy toward South Africa that we are enacting, we should provide procedures to ensure that our policy cannot be changed without our approval. For those who fear that Congress would delay in approving any determination I note that the foreign relations bill provides expedited proce-

dures to guarantee that the President would get a vote on his determination.

In summary, my bill cures the defect in the bill. That defect is that the bill does not presently provide a significant role for Congress in the termination of sanctions. My amendment provides a congressional authority. It makes it necessary for Congress to approve determination to terminate, to modify, or to suspend sanctions.

Thus, it would be an expedited procedure. It can be done in an orderly way. I urge my colleagues to support my amendment for the reasons I have stated.

Mr. PROXMIRE. Mr. President, I apologize. I send my amendment to the desk. I failed to send the amendment to the desk. I intended to do so. I do so at the present time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin, [Mr. PROXMIRE] for himself, Mr. CRANSTON, and Mr. KENNEDY proposes an amendment numbered 2739.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

Sec. 313. (a) The provisions of sections 301 through 312 and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that the Government of South Africa—

(1) has released other political prisoners and Nelson Mandela from prison;

(2) has repealed the state of emergency in effect on the date of enactment of this Act and has released all detainees held under state of emergency;

(3) has unbanned democratic political parties;

(4) has repealed the Group Areas and Population Registration Acts; and

(5) has publicly committed itself to good faith negotiations with truly representative members of the black majority without preconditions,

if Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu thereof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or," after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313 —".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the

appropriate subsection designation inserted in the second blank".

Mrs. KASSEBAUM. Mr. President, I have not had a chance to look at the amendment. I would like to suggest the absence of a quorum for a few moments to study the amendment.

Mr. PROXMIRE. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I rise to support the amendment of the Senator from Wisconsin. It fills a gap because the bill, as written, is silent on the procedure by which sanctions would be terminated. In a sense, we are dealing with some of the same problems we were dealing with earlier in connection with the Heinz amendment, which also sought to fill a gap and tighten up the congressional controls in this legislation.

The amendment now under consideration would remedy the problem today by requiring a Presidential report and passage of a joint resolution approving the termination of sanctions. It would also protect Congress' right to approve any suspension or modification of the sanctions.

Given the importance of this issue and the depth of feeling on it of Congress, I think it is essential that both the President and the Congress be in accord and on record on the question of terminating or suspending sanctions.

In this regard, what we have here really is a question of philosophy. I think that this amendment gives more power to the Congress and to our judgment than it would if it was not inserted in there. That is the reason I would like to be supportive of it.

Mrs. KASSEBAUM. Mr. President, I yield at this time a half an hour off the time of the bill to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished floor manager of the bill, the Senator from Kansas, for the time, and I thank the Presiding Officer for the recognition.

I want to make a few remarks about the bill, about the situation as I see it and the mistake that I think we are embarking on by passing sanctions against South Africa. I think our actions will do more harm than good.

At the appropriate time, I also have an amendment to offer that would have significant impact on lessening the damage sanctions will cause to this country, and lessening the aid that this bill, the way it is written, would

give to some of the Communist countries that we might start turning to to buy some of these sanctioned materials from.

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Mr. President, it is obvious that the focus of the Senate has again turned to punishing the Government of the Republic of South Africa. Once exclusively the province of a few "enlightened beltway liberals," South Africa-bashing has become a popular sport in Washington. Hordes of concerned elected officials are now scrambling to "Build Their Own" South Africa sanctions.

In the past, sense and moderation have kept such initiatives in check. This time, however, sanction supporters seem more determined—and are in greater numbers—than ever before.

As always, the heart of the issue is human and civil rights abuses under the apartheid policy in South Africa. As always, the pro-sanctions debaters assume the straw-man premise that someone—somewhere—believes apartheid is a good policy. Time and time again we have debated the evils of apartheid—evils universally acknowledged in this body and in this Nation, and throughout this great land, the United States of America.

I share the concern of all my colleagues for the plight of the disadvantaged victims of the discrimination of apartheid. But I share with President Reagan the desire to help solve that problem rationally, rather than economically. Rarely is there any rational discussion of the actual effects of our proposed sanctions on that vile policy. No responsible person can believe that after we impose these sanctions the South Africans will promptly abolish apartheid. At best these sanctions will do nothing. At worst they will plunge many thousands of black citizens of the Republic of South Africa into unemployment, and millions of citizens of neighboring nations into starvation.

There is no one in this Chamber who supports the racist policies of South Africa, and I believe that most of those who advocate economic sanctions against South Africa do so with the sincere intention of reversing those policies.

I want to say, Mr. President, that I do not impugn the motives of any of my colleagues. I think many of my colleagues think that they are somehow going to help the situation in South Africa and reverse those policies. But I think those who seek to brand the opponents of disinvestment as racists do a grave disservice to the debate on this issue. The truth is and always has been that those who oppose disinvestment are no less in opposition to apartheid and racism than those who claim to have cornered the morality market—those who favor sanctions.

The system of legalized race separation and discrimination practiced in South Africa is repugnant to all Americans who cherish individual liberty and equality. The issue here is not whether to accept or condemn apartheid, but how best to aid South Africa in its move to dismantle this policy and bring greater freedom and prosperity to all South Africans. I do not believe sanctions will accomplish this goal. They will cause more harm than good.

The supporters of sanctions claim to have captured the "moral high ground" in this debate. But what is the moral principle from which they operate?

They claim we must sanction South Africa (even if sanctions are ineffective and may harm innocent people) as a symbolic display of our contempt for South Africa's gross human rights abuses. Yet this decision is illogical and arbitrary. It is based on no moral principle at all.

We are to assume that the advocates of sanctions against South Africa want to impose sanctions against repressive regimes in other countries as well? Of course not.

How many of the supporters of South Africa sanctions favor sanctions against the Soviet Union, Communist China, or the Communist dictatorship of Eastern Europe? Obviously, very few.

Yet these nations are certainly among the most repressive governments in the world's history.

So we apply an incredible double standard when we come in here and call for the economic punishment of South Africa. It is astoundingly obvious to the world that it is a double standard.

Sanction supporters have contrived this "moral high ground" myth as a way to coerce the Senate into imposing sanctions. The moral principle they claim to defend seems to apply only to South Africa. If the supporters of sanctions are operating from no moral principle whatsoever, this vote on South Africa sanctions is not a test of this Senate's moral fiber. Nor is it a test of the morality or commitment to human rights of any individual Senator.

The issue before us should be—and is for the opponents of this bill—how the United States can most constructively contribute to the final demise of apartheid and racism in South Africa. I believe that imposing sanctions is the wrong way. It is ineffective and it is dangerous.

I think there are four very good reasons to raise in opposition to this legislation.

First. Sanctions are not in the strategic interests of the United States;

Second. Sanctions will harm most the very people we seek to help—the black South Africans;

Third. Sanctions will impose incredible hardships on the already impoverished populations of South Africa's neighbors; and

Fourth. Sanctions are not effective. By cutting ourselves off from South Africa, we will destroy any chance we have of influencing the South African Government to enact further reforms.

Although the central issue in this debate is civil and human rights, it is not the only issue. The United States must consider the extremely important strategic issues involved in the South African equation.

Morally, South Africa and the United States are sharply divided, and we will remain so until South Africans—with our help, but not as a result of our bullying—complete the abolition of apartheid. Strategically, however, South Africa is a crucial ally. This alliance is based on three things: Our common foreign policy goals; South Africa's strategic geographical position; and the West's reliance on South Africa's vital mineral resources that come from the southern subcontinent of Africa.

We all know South Africa is an anti-Communist country. We all know it is actively involved in opposing the Soviet-initiated, Cuban-enforced Communist subversion of the southern half of Africa. As we look at the continent of Africa, one which has undergone more change than any other in the last half-century, we must realize that the Republic of South Africa holds the key to the security and stability of the entire southern half of the continent.

I do not believe that South Africa will fall next year if the Senate imposes sanctions, but we must recognize that without the continued presence and activism of a strong, pro-Western South Africa, the prospects of ridding southern Africa of totalitarianism will virtually disappear. South Africa is indispensable to those fighting the Cubans in Angola. It is the only stable pro-Western government in the region. It is not in our interests to destabilize that government.

I recall vividly my own personal visit to Angola in January 1984. Without South Africa, Jonas Savimbi and the freedom fighters in Angola would not have a chance in Angola to fight for freedom, for the people of Angola, for self-determination, and for a democratic form of government in that country that now suffers under the regime of the Cuban-Soviet backed Communist Luanda government. That reason alone should cause us to be careful in taking the course we are starting on today.

South Africa is geographically located in an incredibly important strategic position. The South African coastline

borders on two oceans and is now friendly territory for Western merchants and military vessels. Vital shipping lanes are located around the entire perimeter of South Africa. A large percentage of the West's oil and mineral resources are shipped around the Cape of Good Hope. These vital shipping lanes could be closed or restricted if dominated by unfriendly forces.

It would only take one Soviet patrol bomber squadron at Cape Town or a small Soviet fleet at Simon's Town to close the oil lanes from Japan, Asia, and the Pacific rim to Western Europe and the United States. These shipping lanes could be closed at a moment's notice if that vital region were occupied by the Soviets or their allies.

By far the most obvious and most important strategic factor for the United States is the huge percentages of the free world's strategic minerals supplied by South African mines. The United States depends on South Africa for about one-half of its supplies of many crucial raw materials. The concern here is obviously not for gem quality diamonds, but for minerals which are essential for the maintenance of both our military arsenal and our technological society.

Mr. President, I want to give my colleagues some facts about how dependent we are on mineral imports from South Africa.

We are 82-percent reliant on imports for chromium. South Africa supplies us with 55 percent of that element, which is vital for the production of stainless steel.

We are nearly 100-percent reliant on imports for our industrial diamonds; South Africa supplies over 57 percent of this crucial resource.

□ 1940

The United States relies on imports for 99 percent of its manganese, which is essential for the production of quality steel; South Africa supplies 31 percent of this need.

We rely on imports for 91 percent of our platinum; we buy 85 percent of that metal from South Africa.

It is important, also, to realize that the major alternate supplier of many of these commodities is the Soviet Union. The strategic implications of this are obvious. Clearly, trade with South Africa is of vital importance to us. Strategically and economically, South Africa is our ally, and we do not have so many in that region that we can afford to squander one.

Opponents of this so-called anti-apartheid legislation have been caricatured as crazy "commie hunters," intent on finding Russians under every rock and propping up even the most ruthless of dictatorships to stall the Communist juggernaut. This is an absurd treatment of a serious and important issue. The facts speak for

themselves: Southern Africa is a vital region, both to the United States and the free world and to the Soviets and their puppet agents. The Soviet presence in southern Africa has spread dramatically since 1973 when Brezhnev told the supreme Soviet that the goal of the Soviet Union was to seize the "two great treasure houses on which the West depends: the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

Brezhnev and his successors have been implementing this policy for 13 years. Since Brezhnev's speech, Soviet influence has spread to Africa; Angola, Benin, the Congo Republic, Ethiopia, Guinea, Mozambique, and Zimbabwe have all become Marxist states. The massive Cuban military presence in Angola demonstrates the determination of the Soviets and their allies to gain control of this crucial strategic area.

U.S. foreign policy should serve primarily the interests of the United States. Crippling our "mineral treasure house" by imposing sanctions does not serve our interest or the interests of the citizens of South Africa. The only beneficiaries of this policy will be Brezhnev's heirs. By passing this type of legislation we will be sacrificing an ally, and the important benefits of that alliance, for an extreme policy with little chance of success.

I do not believe our strategic interests in the region should close our eyes to the plight of the people of southern Africa. I do not believe that they have. Our record in South Africa is not something to be ashamed of. The United States has been skillfully playing a difficult role, we have supported an ally, a strategic interest, and a supplier of raw materials which we in the West desperately need, while at the same time moving that ally closer to attaining the greatest gift which this country has to offer: the example of our form of government and its values of freedom and equality for all citizens.

The role of American companies in South Africa has been to provide equal employment opportunities for tens of thousands of black workers. Sanctions will threaten these people with unemployment.

Those black leaders whose political bases are inside South Africa and not in the Western news media, realize this and oppose disinvestment.

We should recognize the role of the American companies in setting the pattern to improve the life of the blacks in South Africa. If we disinvest and other countries go in and purchase those companies, do you think they will have the concern for the standard of life of those black citizens of South Africa that we have had as Americans?

No, Mr. President. I think we all know that the answer to that is "no." They will not. We should be proud of our record in South Africa, not ashamed of it.

If we listen to the anti-South Africa apostles, we might conclude that all South African black and opposition leaders favor American and European disinvestment in their country. This is not the case. As the following examples show, many of the key black leaders, as well as many other opposition leaders in South Africa oppose this meat-cleaver method of solving the problem.

Mangosuthu Gatsha Buthelezi, the leader of more than 5 million Zulu people and President of Inkatha. The largest black South African political organization, has said:

It is simply not true that the vast majority of blacks support the disinvestment lobby.

I understand the moral indignation of the world and I am glad for it. However, disinvestment is a wrong strategy, and will do nothing to aid the struggle for liberation within the country. For me the first question that must always be asked in the disinvestment debate is what the people of South Africa themselves say about it. I have yet to meet a (black South African) worker who favors disinvestment. Disinvestment would strip us bare. So I must conclude that those who advocate disinvestment do so in complete disregard of what black people themselves think.

Lucy Mvubelo, president of the National Union of Clothing Workers, one of the largest black unions, has said:

To proponents of isolation, disinvestment, and embargoes must say: Don't break off contact and don't advocate disengagement and withdrawal of foreign investments. Only indigenous movements—the trade unions, the political groupings, the schools, the business associations—within South Africa can bring about significant, positive change. Outsiders can influence it, but only through participation, not by isolation.

The Trade Union Council of South Africa [TUSCA], a multiracial trade union federation, the largest in South Africa declares:

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

Rashid Alli, General Secretary of Muslim Business League of Southern Africa, has declared:

We are strongly opposed to any form of disinvestment or economic sanctions for it is very well for those "individuals" to lobby for it with their full stomachs and their pockets full of coins—hunger is an experience—political talk is a prerogative—human beings act, care and feel at all times—politicians talk, and perform only during the storm.

Richard Maponya, a prominent black community leader and businessman, says:

Foreign companies could, through partnerships, help blacks to get started in business where it would otherwise be impossible and by investing in black communities, foreign firms could help communities, generate their own capital.

John Nkadimengh, the General Secretary of the South African Congress of Trade Unions believes:

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

Helen Suzman, civil rights spokesman for the opposition Progressive Federal Party in the South African Parliament, explains:

There is a simple appeal in the course of action that advocates disengagement from any form of association with South Africa . . . This relieves the conscience, but it also dilutes any influence over future events . . .

These prominent, respected South African citizens oppose disinvestment and its various alternate versions for the same reasons that I oppose them. Their views are largely ignored by the news media and by those who favor so-called anti-apartheid bills. If we are to responsibly address this question we must take their concerns into consideration. Surely, they have more knowledge of the situation and the feelings of their people than Members of this body can hope to accumulate in 1-week trips.

Of course, the motives of the South African leaders I have just quoted are different from those of the South African bashers. Most opposition leaders inside South Africa are not concerned with American politics or moral grandstanding. Their goal is not to overthrow the South African Government, but to preserve the security and prosperity of their nation as they continue to peacefully pursue equality and the end to the discrimination of apartheid.

The blacks inside South Africa are not the only ones who will suffer if we pursue this policy. More than 250,000 foreign black workers work in South African mines alone. They earn \$400 million a year—most of which they send home to their families. Over 170,000 foreign blacks are employed in other South African businesses, not to mention the estimated 1 million "illegal" migrants.

As President Reagan pointed out, the challenge in South Africa is to eliminate apartheid without destroying South Africa's stability and economic capacity which "is a mighty engine that could pull southern Africa into a prosperous future." These sanctions threaten to stop that engine.

The immediate effect of sanctions on the countries bordering South Africa will be severe. Tens of thousands of migrant workers may be sent home jobless as South Africa is forced to close many industries. The result will be an incredible increase in unemployment and poverty in these bordering nations. The long-range effects

could be even more disastrous. South Africa could cut off aid to these nations and discontinue access to ports, railroads, motorways, water, and electricity. Economic gains which people in these poverty stricken nations have struggled for decades to achieve could be erased overnight by imposition of "austerity" measures in South Africa as a result of our sanctions.

I believe it is important to discuss the potential consequences on each of these nations and their populations:

Swaziland would be devastated. Ninety percent of its imports originate in or are shipped through South Africa. Fifteen percent of all Swazis are employed in South African mines. The Swazi Government has publicly stated its opposition to sanctions.

Zambia would also be crippled. It receives 30 percent of its imports from South Africa, 64 percent come from South Africa via Zimbabwe and Botswana. One third of its exports are shipped through South Africa.

Lesotho, like Swaziland, is encircled by South Africa. Seventy-five percent of its working population are employed in South African mines. It gets 97 percent of its imports from South Africa. Our Embassy there says that in the event of countersanctions by South Africa, "we can turn out the lights, pull down the shades and close the country . . ."

Botswana, a completely landlocked nation and one of the few democratic governments in black Africa, "could not survive for more than two months" if South African countersanctions were imposed, according to our Ambassador there. Democracy, already fragile in Botswana, would have great difficulty surviving the blow.

Mozambique, a Marxist-Leninist state whose primary trading partner is the Soviet Union, may actually gain from the misery created by American-Western sanctions and South African countersanctions. Its ocean ports may see slightly more action as a result of its landlocked neighbors' frantic efforts to compensate for lost South African access.

Zimbabwe, which as Rhodesia once faced the same type of moral castigation from the West as South Africa now faces, would suffer again as a result of Western sanctions. Even though it is now dominated by the Marxist dictatorship of Robert Mugabe, Zimbabwe has continued its heavy economic reliance on South Africa.

Many prosanction activists take great delight in pointing out that the leaders of a number of these "front-line" countries say they support sanctions and are willing to suffer to bring down apartheid. These offers may be sincere or they may be made out of political expediency. Whatever the source of their stupidity and reckless-

ness, the United States should not be a party to the economic suicide of half a continent.

I am not opposed to our pressuring South Africa toward racial reform as we are doing with constructive engagement. I support it not only because it is morally right but because it is the only way for the Republic of South Africa to continue to survive. Rational South Africans know this.

The most productive anti-apartheid action we can take is to continue working quietly, through our Government and our businesses and industries, to aid and urge the South African Government to abolish apartheid. South Africa is governed by proud, capable men. We may have major disagreements with them, but we must recognize this fact. We cannot expect to treat them like delinquent children without severing our ties, destroying our influence in the region and threatening the economic and physical well-being of the very people whose lives we seek to improve.

The sanction advocates should review their Rhodesia files. The pressure imposed on the white minority government of Ian Smith hasn't produced the promised utopia. In 6 years of Mugabe rule, more than half of the white population has left. Massacres of members of the minority Ndebele tribe by Cuban mercenaries, and a harsh state of emergency are some of the domestic reforms undertaken in the "new" Zimbabwe. A once prosperous economy has been ground to dust. Racial discrimination has been replaced with totalitarian repression.

I believe that President Reagan's policy toward South Africa is the right one. In part due to this administration's policies, many changes have occurred in South Africa, others are now being implemented, still others have been promised or are being discussed and considered.

Let us look for a minute at some of the progress that has been made in the last 6 years. In 1979, the current prime labor law, the Industrial Conciliation Amendment Act, was passed. This law removed racial restrictions on labor unions and legally allowed multi-racial trade unions and associations. From this legislation many other benefits—legal, economic and social—were achieved.

There are now black labor unions which bargain with industry and business for better wages and working conditions. Blacks have the right to shop and conduct business in almost all areas. Housing restrictions have begun to be repealed. Interracial marriages have been allowed, and many other reforms which were thought impossible only a few years ago have been initiated in the last couple of years.

Here is a sampling of some of the progressive reforms which have been initiated in the last several years. Note

that the bulk of these reforms have occurred during the Reagan administration once the much castigated "constructive engagement" policy was put into effect:

In June of this year the hated "Pass Laws," which inhibited black majority and disrupted black family life, were abolished.

In 1983 black voters elected mayors and town councils to govern their communities across the nation.

On November 2, 1983, a national referendum overwhelmingly extended the National franchise to nonwhites for the first time in South Africa's history.

In August 1984, colored, and Indian voters went to the polls for the first time to elect Representatives to Parliament.

On January 25, 1985, the multiracial, tricameral Parliament convened. Whites, coloreds and Indians participated jointly in the executive and legislative functions of the national government for the first time.

In February 1985, the South African Government discontinued the resettlement of black communities, thus ending the so-called black spot policy.

Downtown commercial districts were also opened to all businessmen, irrespective of race.

From 1979 to 1984 desegregation of trade unions and workplaces was achieved. Black and multiracial unions were legalized. Of the 200 unions in South Africa today, 79 are multiracial, 21 are black, 43 are colored and 57 are white.

In 1983 job reservation for whites was eliminated.

From 1970 through 1980, black income rose tremendously, thus creating a black middle class for the first time in the nation's history.

In those 10 years the black share of personal income rose from 25 percent to 40 percent, today it is nearly 50 percent.

From 1970 to 1980 the numbers of black high school students rose from 105,000 to over 250,000.

From 1975 to 1980 spending on black education rose 230 percent, and another 51 percent in 1980-81.

The literacy rate for South African blacks aged 12-22 is now over 80 percent.

South Africa now trains more black doctors than any other African country and offers the best health care on the continent.

Since 1975 \$2 billion has been spent to provide new homes for South Africa's urban blacks, who were granted home ownership privileges in 1982.

As Helen Suzman, a long-time apartheid critic and the first member of South African parliament to be elected on an anti-apartheid platform, notes, "Although many vital issues remain to be resolved, there is no

doubt these reforms signify a change of direction: away from apartheid."

These reforms did not come about as the result of bullying from the United States, but as the result of a firm commitment by both South Africans and American Government and business leaders to work together to solve these complex social problems.

The role of American business has been a key factor in relaxing economic and social barriers. The dramatic rise in black disposable income has released a consumer-driven relaxation of apartheid laws in retail trade and has led to the racial integration of the marketplace and the workplace. Much of this economic progress is fueled by American businesses and their comparatively high wages and nondiscriminatory hiring policies.

American companies, through the "Sullivan principles" of desegregation in the workplace, equal employment practices, training for nonwhites, social services for black workers, and the promotion of trade unionism, have served as a valuable example to the South Africans.

If these progressive American companies were withdrawn there would be no mechanism to shoulder the burden of newly unemployed blacks on the economy. Conditions would deteriorate. If we cut off American businesses and investments in South Africa, we will slow the momentum for change. We are on this floor saying we are trying to help.

The point is that progress is being made, progress which might not be possible if we were to withdraw and give the South Africans punishment instead of cooperation. For many of us this progress is proceeding too slowly. I understand these feelings. But we must not allow our frustration to force us to irrationally abandon a policy which is producing desirable results. We should resist the temptation to impose aggressive sanctions which may cripple the one healthy aspect of South Africa's society—its economy.

I know of no American who wishes to harm the average South African citizen, but that would be the net effect of economic sanctions, disinvestment, and banning of bank loans. I do not know of a way to surgically strike at those few South African dinosaurs who continue to advocate apartheid without severely hurting the vast majority of the people we say we desire to help. I know of no way to strike at the extremist supporters of apartheid without delivering a devastating blow to the moderates who are now in power and to whom most of the credit for the gains of the last several years belongs.

Our goal should be to elevate the rest of South African society to the same heights which its economy has reached. As President Reagan said, we

must stand ready to welcome "a new South Africa home, to the family of free nations where she belongs." The duty of this Senate is to determine how best to achieve this goal without needlessly weakening the South African nation.

We cannot accomplish anything for the people of South Africa if we take ourselves out of the equation and alienate ourselves from the South African Government. Without the leverage which comes from our economic stimulation of South Africa, the United States will have little way of continuing to urge moderation and relaxation of South Africa's racial policies. Without the influence and credibility which comes from our reasoned, patient persistence in support of abolishing apartheid, our views will neither be heard nor respected.

If the sanctions being debated here today are adopted we will have squandered the last of our power to influence events in South Africa; a power which has been a great force for good in that nation. Great progress has come from the United States investment in South Africa and now we are trying to say we want to stop it.

In our effort to spread human rights throughout the world we must remember that not all nations are on the same timetable as we. Not all nations are capable of enacting "civil rights acts" or "voting rights acts." We must also turn a modest eye toward our own history and remember that it took the United States 4 years of war and the battlefield deaths of nearly 500,000 young Americans to rid the Nation of slavery. This Nation was torn apart. All one has to do is visit the battlefields of Gettysburg, Antietam, Bull Run, or Fredericksburg and see what happened in this country, and that was only 100 years ago.

We must not allow our anxiety over the perceived slowness of South Africa's progress blind us to the significance of the reforms already enacted or the difficulty with which they were achieved. South African President Botha, the source of the most recent and most important reforms, has endured great political pressure from those in his own party, who are more conservative, who oppose relaxing apartheid. He has received even more criticism from those who want the reforms to proceed more rapidly. His balancing act is yielding positive results; we should not upset it by crippling his nation's economy.

South Africa and all South Africans need our continued encouragement and support for the progressive change now under way in that country. We should compliment, encourage, and reward these changes, rather than enacting legislation which slows, stalls, or reverses the economic gains of South Africa's black population.

President Reagan's policy is wise. His reasoning is sound. I only hope we will overcome the illogic and hysteria which seems to dominate Congress' thinking on this issue.

Only if we continue to work with the South Africans will we be able to influence them to push forward with their reforms. President Reagan was correct when he said:

To make a difference, Americans—who are a force for decency and progress in the world—must remain involved. We must stay and work, not cut and run.

I urge my colleagues to vote against sanction legislation.

Mr. President, I send an amendment to the desk on behalf of myself and Senators McCLEURE, DENTON, PRESSLER, HELMS, HECHT, and MURKOWSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. This amendment is not in order at this time. There are two amendments now pending.

Mr. SYMMS. I ask unanimous consent that the pending amendments be temporarily laid aside.

Mr. PELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DIXON addressed the Chair.

Mr. SYMMS. I thank the distinguished floor leader for the generosity of his time and I thank my colleagues for listening to my arguments.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 5 minutes to the senior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. Dixon] is recognized.

Mr. LUGAR. Will the Senator yield without losing his right to the floor or his time?

Mr. DIXON. I am delighted to yield.

AMENDMENT 2737

Mr. LUGAR. Mr. President, earlier this evening the Senate adopted an amendment by the distinguished Senator from Missouri [Mr. EAGLETON]. The reference in the first line of that amendment was incorrect. I send a corrected version of that amendment to the desk and ask unanimous consent that it be substituted for the text of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 78, strike lines 8 through 21, and insert the following:

Sec. 313(a) This title and sections 501(c) and 503(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.

Mr. LUGAR. I thank the Chair. I thank the distinguished Senator from Illinois.

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The PRESIDING OFFICER. The Senator from Illinois [Mr. Dixon] is recognized.

Mr. DIXON. I thank my distinguished friend, the manager of the bill, the senior Senator from Rhode Island, for yielding me this time.

Mr. President, we are here on the Senate floor to consider the proper legislative means to express our repugnance of apartheid, to demonstrate that we are with the black majority in South Africa, and to change United States foreign policy to make it consistent with this country's founding principles and with our national interests.

President Reagan's policy of "constructive engagement" has failed and therefore must be abandoned. Congress came to this realization last year when both the House and the Senate, by strong bipartisan majorities, passed sanctions legislation. Unfortunately, that legislation was never enacted. Since that time, however, the House has passed a new, much stronger, bill, and now the Senate has a second opportunity to change the discredited policy that the administration has followed for far too long.

My position on antiapartheid is clear and consistent: I believe it must be ended. For that reason, I supported last year's sanctions legislation, even though I generally believe that trade sanctions are overused and most often do not represent sound public policy. I also voted for cloture, in an attempt to ensure that the final legislation cleared the Senate, because I felt that the administration's actions were too weak to have any real impact.

I am sorry to say that events seem to have demonstrated the correctness of that judgment. The situation in South Africa continues to deteriorate. Thus, it is time to take further action to distance ourselves from a regime that resorts to violence and repression in an effort to maintain itself in power.

Economic sanctions, though, are not without cost. They will hurt businesses in the United States, and could result in layoffs here, as well as in South Africa. If South Africa retaliates, poor black African countries along its border could be seriously

hurt, at a time when they are already facing severe economic problems.

Further, unless sanctions are kept on for a very long time, they will likely be not much more than an inconvenience to South Africa itself. Sanctions, particularly if imposed solely by the United States without the cooperation of our allies, will not by themselves cause South Africa to abandon apartheid.

It is nonetheless essential for us to take further action because this government will not last in the long run. It will either be replaced by whites more willing to end apartheid, or by a majority black government. In either case, long-run American influence will likely be maximized in the future if we distance ourselves from the current disaster in the making. Sanctions, therefore, not only express our moral revulsion over apartheid, they also represent a sound, hard-headed view of long-term American interests in the region.

I strongly believe the United States must make clear to the world, to South Africa's neighbors, and to the black majority in South Africa itself, that it is against this institutionalized system of racial discrimination and subjugation. S. 2701 represents a means to make our position clear. It is not a perfect bill. I have already voted for amendments to strengthen it, and I will continue to vote for reasonable and appropriate additions to the bill. However, I do believe its enactment would be the kind of change in our policy toward South Africa that has been needed for a long time. I strongly urge the Senate to act quickly on this bill. We need to act—now. We should have passed sanctions legislation last year. We cannot afford any additional delay.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield one-half minute to the Senator from Wisconsin.

AMENDMENT NO. 2739, AS MODIFIED

Mr. PROXMIER. I thank the Senator from Rhode Island.

Mr. President, I ask unanimous consent to modify my amendment, and I ask that the amendment be in order. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modified amendment is as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

Sec. 313. (a) This title and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that 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.

If the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu thereof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or" after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313—".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the appropriate subsection designation inserted in the second blank".

The PRESIDING OFFICER. Who yields time or seeks recognition?

Mr. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. There are two amendments pending—the Proxmire amendment and the Heinz amendment. There is time remaining on each.

The question before the Senate is on the Proxmire amendment, as modified by the Senator from Wisconsin.

Who yields time?

Mr. HEINZ. Mr. President, I think the Senate is prepared to vote on the Proxmire amendment; is it not?

The PRESIDING OFFICER. The Senator from Wisconsin has 22 minutes remaining and the Senator from Indiana [Mr. LUGAR] has 28 minutes remaining on the Proxmire amendment.

Mr. LUGAR. Mr. President, I am not aware of the modification. I ask that the Proxmire amendment be temporarily laid aside and that we vote on the Heinz amendment, which we are prepared to accept.

The PRESIDING OFFICER. Without objection, it is so ordered.

The issue before the Senate is now the Heinz amendment.

AMENDMENT NO. 2738, AS MODIFIED

Mr. HEINZ. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment of the

Senator from Pennsylvania [Mr. HEINZ] is modified.

The amendment as modified is as follows:

Beginning on page 79, strike out line 17 and all that follows through line 13, on page 81, and insert in lieu thereof the following:

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 next economic effect of such cooperation 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 312 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 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.

On page 91, line 9, strike out, "disapproves" and insert in lieu thereof "approves".

Mr. HEINZ. Mr. President, I have had discussions with the managers of the bill. At that time, the majority manager of the bill was Mrs. KASSEBAUM, and Senator PELL was the manager on behalf of the minority.

After some discussion, we reached a general agreement in terms of making some minor modifications in my amendment to make it more acceptable to the committee. It is my understanding that the committee believes that those modifications, which preserve the heart of my amendment—the heart of that amendment being to replace the resolution of disapproval with a permanent resolution of approval—that my amendment as now modified is acceptable to the managers of the bill. I do not think there will be any need, if it is acceptable, to have a rollcall vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment as modified by the distinguished Senator from Pennsylvania, and we are prepared to have a voice vote.

Mr. PELL. Mr. President, I share the sentiments of the chairman and suggest that we vote.

The PRESIDING OFFICER. If the Senators will yield back their remaining time—

Mr. HEINZ. I yield back the remainder of my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. HEINZ] as modified.

The amendment (No. 2738), as modified, was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I thank the managers of the bill for their acceptance of the amendment. I am sure it is an improvement in what is becoming quite a good bill.

Mr. LUGAR. I thank the Senator.

Mr. President, I wish to propound a unanimous-consent request. It is an important request.

I have consulted with the majority leader, and I agree with the general sentiment that it would be helpful if amendments could have a shorter time limit, if this be the will of the Senate.

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So I would like to ask unanimous consent, Mr. President, that—

Mr. DOLE. Senator LUGAR may want to clear it with Senator BYRD.

Mr. PELL. I appreciate the suggestion of the manager of the bill. I share his sentiments but I am not in a position to approve it at this time.

Mr. LUGAR. Very well. At a later time we will suggest perhaps a time limit of 30 minutes.

Mr. PELL. We might get it down to 15.

Mr. LUGAR. Very well.

Mr. PROXMIRE. Will the Senator from Indiana yield at that point?

Mr. LUGAR. I yield.

Mr. PROXMIRE. I am happy to either have a vote promptly on my amendment or limit the time any way the Senator from Indiana chooses, because I have no need for further time.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. The amendment before the Senate is the Proxmire amendment.

Twenty-eight minutes remain on Senator LUGAR's side and 22 minutes remain on Senator PROXMIRE's side.

Mr. LUGAR. Mr. President, I ask unanimous consent on the Proxmire amendment there be a limit of 30 minutes, 15 minutes to a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I am happy to limit it further if the Senator wants to do so.

Mr. DOLE. He is ready to vote now.

Mr. LUGAR. I am not certain we are ready to vote.

AMENDMENT NO. 2739

The PRESIDING OFFICER. Who yields time on the Proxmire amendment? The time is controlled by Senator PROXMIRE and Senator LUGAR.

If no one yields time, time will run and be assessed equally against both sides beginning now.

Mr. LUGAR. Mr. President, I am speaking on the Proxmire amendment.

Would the distinguished Senator inform me what is the modification? We seem unable to find out what his amendment is and how it has been modified.

Mr. PROXMIRE. The modification of the amendment primarily was to make it conform with the Eagleton amendment that was adopted earlier and somewhat changed the various provisions. There were five specific conditions that were added in order to have the sanctions struck.

Mr. LUGAR. May I ask the Senator has the Eagleton language been changed or are the requirements different now?

Mr. PROXMIRE. The Eagleton language was different than the language I had. Of course, the Eagleton amendment interceded between the time I

prepared my amendment and the time I sent my amendment to the desk.

Mr. LUGAR. Has the Senator adopted the Eagleton language?

Mr. PROXMIRE. I have adopted the Eagleton language.

Mr. LUGAR. So the gist of the argument, if I may ask the Senator, is the word "disapproving" and his amendment calls for approval by a joint resolution of the President. Let me ask the Senator.

Mr. PROXMIRE. The Senator is absolutely right.

The principal difference between my amendment and the provisions in the bill were the same as the proposal that was made by the Senator from Pennsylvania respecting international agreements.

My amendment would affect all sanctions whether international agreements or not. In fact, international agreements were stricken, so my amendment did not conflict with the Heinz amendment.

But my amendment would provide a positive action required on the part of the Congress before a termination of sanctions.

Mr. LUGAR. So I get the situation perfectly clear at least for this Senator, currently the President may terminate these sanctions or modify them unless the Congress enacts within a 30-day period in accordance with section 602 a joint resolution disapproving the termination of sanctions under this subsection.

Mr. PROXMIRE. That is right.

My problem with that was the President, of course, can veto that, disapproving action, in which case it would take a two-thirds vote by Congress.

In this case, as you know, the President disagrees with us on sanctions and the sanctions are stricken by the Congress instead of the President. Therefore, as a practical matter, it means the sanctions could be disapproved even though the Congress felt the conditions had been met.

Mr. LUGAR. I thank the Senator.

Let me simply address the Senator for a moment on the point. I think the difference is just as the Senator from Wisconsin has described it. Under this bill, 2701, that we are debating, the President could determine that the conditions had been met as the Eagleton amendment modified it tonight and terminate all or part of the sanctions or modify them.

If the Congress disagreed with that, it would have to pass a joint resolution of disapproval.

As the Senator from Wisconsin has pointed out, the President could veto that resolution of disapproval and it would take a two-thirds vote of the Congress to override the President.

The Senator from Wisconsin is attempting to modify that by saying that if the President acts to terminate

the sanctions that it takes a joint resolution of approval by the Congress to allow the President to proceed in that way.

Therefore, essentially the balance of power in this particular amendment passes from the President, where it is strongly in the bill, to the Congress in a joint resolution of approval.

I would have to oppose the amendment by the Senator from Wisconsin, simply because it was the intent of the drafters of this legislation to give the President that authority. We believe the President is the chief architect of our foreign policy, ought to be the chief arbiter, chief decisionmaker. If the President of the United States and his staff believe that four out of five of these conditions have been met, or requirements that we have, we believe he ought to be the judge of that. But there is a backstop. If the President should err egregiously, if two-thirds of both Houses believe he has erred, they can reverse it.

The proposal of the Senator from Wisconsin would call upon the Congress to make this determination, with both Houses needing a majority for these sanctions to be removed. It would be very difficult to remove the sanctions. This may be the purpose of the distinguished Senator.

But clearly the purpose of the drafters of the bill was to say in the event the Government of South Africa moves to end apartheid and to change the constitutional framework, that ought to be recognized, it ought to be recognized promptly and should not wait for a joint resolution of the Congress, two Houses, with the difficulties we have of scheduling votes of this variety, and therefore, it can be an immediate termination if the President makes it with the backstop if somehow he errs egregiously the Congress can overrule it.

Therefore, I would ask the Members to vote against the amendment of the Senator from Wisconsin.

I am prepared to yield back our time as soon as the Senator is.

Mr. PROXMIRE. I am happy to yield.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I think for some of the very arguments that my good friend and colleague, the Senator from Indiana, advances, I will be compelled to vote for the amendment of the Senator from Wisconsin because, as he points out, what this amendment does, it lessens the authority or the power of the Presidency and moves it toward the Congress.

Laws can be reconsidered over time. At this time and in this particular case, I would like to see a larger role for the Congress in any decision to dismantle apartheid.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. May I just say to my good friend from Indiana, my amendment requires that the majority of both Houses approve the end of sanctions. This is exactly what was agreed to in conference last year by the Senate and by the House. It was agreed to, as I understand it, by the Foreign Relations Committee. So it is not new ground. This is not a precedent. It is something we felt was right then and it seems to me it is right now.

Mr. LUGAR. I simply respond to my good friend, the Senator from Wisconsin, that getting a vote in two Houses of Congress sometimes takes time and the response for the Chief Executive would be much more immediate with this backstop, but clearly it is a balance-of-power debate and my vote will be cast with the President, because I believe this is where foreign policy judgments ought to lie.

Mr. PROXMIRE. If the Senator will just yield, there is a provision for expedited procedures. The Congress is required to act I believe within 30 days, so this would not be held up. It would not be something that would be delayed by either House of Congress. The amendment would not permit that.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. LUGAR. Mr. President, I yield back my time.

I move to table the Proxmire amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. DOLE. Mr. President, as I understand, there are three votes.

Mr. LUGAR. One.

Mr. DOLE. Just one. No other stacked?

Mr. LUGAR. No. One went away.

The PRESIDING OFFICER. There is one question before the Senate and that is now on the Proxmire amendment.

The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Wisconsin.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Maryland [Mr. MATHIAS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—51

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Packwood
Boschwitz	Hatfield	Pressler
Broyhill	Hawkins	Quayle
Chafee	Hecht	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Hollings	Stafford
Danforth	Humphrey	Stevens
Denton	Kassebaum	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallace
Evans	Mattingly	Warner
Garn	McClure	Weicker
Gorton	McConnell	Wilson

NAYS—46

Baucus	Ford	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Harkin	Nunn
Boren	Hart	Pell
Bradley	Heflin	Proxmire
Bumpers	Inouye	Pryor
Burdick	Johnston	Riegle
Byrd	Kasten	Rockefeller
Chiles	Kennedy	Sarbanes
Cranston	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Zorinsky
Eagleton	Matsunaga	
Exon	Melcher	

NOT VOTING—3

Goldwater	Mathias	Stennis
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So the motion to lay on the table amendment No. 2739, as modified, was agreed to.

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Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, before beginning and without losing my right to the floor, I understand that the Senator from New Mexico desires 30 seconds. I yield to him without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

IN SUPPORT OF SANCTIONS AGAINST SOUTH AFRICA

Mr. BINGAMAN. Mr. President, I rise tonight to support swift, effective action from this body on the issue of American policy toward South Africa. While I am not completely satisfied with the bill sent to us by the Foreign Relations Committee, I believe it is an appropriate vehicle through which we can formulate a new policy aimed at eliminating apartheid in South Africa. This legislation would mark a new stage in American policy toward apart-

heid and sends a new message to Pretoria.

Nearly a month has passed since we listened expectantly for the announcement of a new South Africa policy from the White House. On July 22, the President said that the United States "cannot maintain cordial relations with a government whose power rests on apartheid." The President's assessment was correct, and so Americans across the country listened closely for an end to business as usual there. We were greatly disappointed. Instead of breaking with his so-called constructive engagement strategy, the President retreated even further from last year's Executive order on South Africa.

It is clear that the Nation, indeed, the world, can no longer wait for leadership from the White House on this issue; the time has come for Congress to act and to act emphatically. Our passage of a sanctions bill will send two messages to Pretoria. To those South Africans, black and white, who oppose apartheid, this measure says, "Americans are with you, we support your struggle." To those who resist the inevitable tide of change there, we shall say, "We will no longer be an accomplice to apartheid."

Let me briefly state what I consider to be the teeth of S. 2701, the Comprehensive Anti-Apartheid Act of 1986. First, it prohibits new United States loans and investment in South Africa. While American investment has dropped significantly already, this provision tells the Botha government that we will no longer seek to profit from apartheid. Second, the bill bans two significant South African exports, uranium and coal. This bill would prohibit American depositories from holding the money of the South African Government or its entities. Fourth, the bill terminates air travel between the United States and South Africa. These last two provisions are particularly significant, I believe, because they directly affect affluent white South Africans, who have the ability to put pressure on their government.

While I commend my colleagues on the Foreign Relations Committee for coming to a relatively speedy consensus on this issue, I believe they could have gone further in applying economic sanctions to South Africa. I would support amendments to the Lugar bill to bring it more into line with the Kennedy-Weicker-Cranston initiative, S. 2498, which I cosponsored. As it stands now, the bill largely extends the partial export restrictions set out in last year's Executive order on South Africa. And, clearly, these limited sanctions have not been effective.

I want to emphasize that the sanctions we are voting on today are not merely punitive or negative in nature. This bill includes \$8 million in educational aid to South African blacks, \$1.5

million in aid to political prisoners, and \$10 million for housing for blacks. Finally, this measure also holds out a carrot to the South African Government. All sanctions will be terminated if the President certifies that the South African Government has met four of five criteria, including the release of Nelson Mandela and all other political prisoners, the repeal of the Group Areas and Population Registration Acts, and entering good-faith negotiations with the black majority.

To those who argue that the Botha government has made meaningful reforms, that we simply need to give him more time, I ask you to consider the 3-month-old state of emergency which he imposed. Under this new law, which is characteristic of a totalitarian regime, not a Western democracy, individuals may be detained indefinitely without having charges laid against them. This is the reform we are asked to consider before applying tough sanctions? It is clear to this Senator that there is no genuine intention to dismantle apartheid on the part of the Botha government. President Botha has said yielding to international calls for majority rule in South Africa would be national "suicide."

Let us not be led to inaction by warnings that the greatest victims of punitive sanctions will be blacks in South and southern Africa. Seven of South Africa's nine neighboring states themselves have called for international economic sanctions. Within South Africa too, there is mounting support for sanctions. Surely, these people are able to distinguish between their long-term and short-term interests. It is true that international sanctions will hurt blacks in South Africa, but who here could say that they are not now more hurt, in body and in spirit, by the brutal laws of apartheid?

A policy of tough economic sanctions against apartheid's apologists satisfies our three-tiered national interests in South Africa: our moral, political, and strategic interests. Morally, we must show those fighting apartheid that we support them. Politically, it is clear that the South African Government will not change its ways without harsh international actions and the internal pressure such actions will bring about.

Opponents of sanctions argue that U.S. strategic interests in southern Africa make us dependent on the Botha administration. But we must gauge our strategic interests into the future; where will they lie in 15 or 20 years? By then, regardless of the means by which they do so, the black majority will control the South African Government. Our true interest is to be remembered as a friend of that emerging government, not as its enemy in its earliest stages.

A couple of weeks ago, after completing an exhaustive 6-month review

of South Africa, including first-hand travel there to meet with a broad spectrum of government and white and black anti-apartheid leaders, the Commonwealth Group of Eminent Persons concluded that, "at present, there is no genuine intention on the part of the South African Government to dismantle apartheid." In view of this intransigence, stiff economic sanctions are the last alternative to violent civil war in South Africa. I would like to conclude with a plea to those of you who remain unconvinced that sanctions will have the desired effects. I ask you to consider not whether sanctions will bring the end of apartheid, but the fact that the absence of sanctions thus far has not worked to weaken apartheid. It is true that passage of this legislation will not guarantee the end of apartheid, but there is the chance that it may hasten that end. We must take that chance.

We must not pretend, however, that, having passed sanctions legislation, Congress is finished dealing with South Africa. Passage of this legislation is only beginning. We must monitor its effects on the system of apartheid in South Africa. Still, this legislation, which earned broad bipartisan support in committee, is an important first step in our formulation of a new South Africa policy.

Mr. DOLE. Mr. President, will the Senator from Alabama yield without losing his right to the floor?

Mr. DENTON. I yield.

Mr. DOLE. Mr. President, let me indicate what the program may be for the rest of the night.

As I understand, there are still about 20 or 25 amendments that are going to be offered. If that is the case, we have to make a judgment, and I would rather not make it right now, whether to stay all night tonight and try to complete action on the bill by 7 or 8 o'clock in the morning, or to go until 2 or 3 o'clock and come in at 7:30 or 8 in the morning.

Another option would be to stay here on Saturday, which would be a third option we could look at.

We have been trying to get time agreements to reduce the time on all amendments to 30 minutes. It is a little different on South Africa than it was on Contra, as I understand. Even though we have used up all the time on the bill, there is still 1 hour for every amendment. This could extend on and on and on.

Perhaps if Members had a chance to reflect on how many amendments there may be, maybe we could reach some agreement. I will be busy with the minority leader about it.

I do believe if we want to leave anytime tomorrow on the so-called Labor Day recess, we do not have much choice but to either reduce the number of amendments or extend the

time we stay here tonight and tomorrow morning.

Mr. CRANSTON. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. DENTON. Reserving my right to the floor; yes.

Mr. CRANSTON. Mr. President, without trying to do it on the floor, which would consume a lot of time, I would suggest we try to reduce the number of amendments through discussions off the floor. I have two amendments. I will drop one of them.

Mr. DOLE. I think we had 62 amendments on this side with 20-some on that side. I think many of the amendments on this side disappeared. In fact, 14 disappeared in one fell swoop this afternoon. If we can repeat that two or three times, we will be down to 10 or 15 amendments.

I will be busy with the distinguished minority leader, but I would hope that everybody would, as we normally do, cooperate on each side.

Mr. BYRD. Will the Senator yield?

Mr. DENTON. I am pleased to yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator from Alabama.

Mr. President, on this side there are 13 Senators who are listed with amendments. Some of those Senators have more than one amendment. I would propose that both sides contact the Senators who have amendments and see which Senators would be willing to cut their time on amendments to 30 minutes or less. As it stands now, there is 1 hour on each amendment. We will be glad to do that.

Then we could, at a later moment this evening, try to get that agreement as far as those particular Senators are concerned. Some may be willing and some may be unwilling at this point. But it seems to me at this point we could pare down the number of amendments. Perhaps some Senators would be willing, now that there have been some votes, to cut down their amendments. I have two amendments listed at this time that I would not like to cut the time on. I may not want to call up both amendments, but only call up one amendment. If the majority leader would think well of that, we will proceed.

Mr. DOLE. I will ask the Senator to yield one more time.

Mr. DENTON. Mr. President, for my part, may I say to the majority leader and the Democratic leader that I intend to cut my amendments about in half, and after using some of my allotted 2 hours by the unanimous-consent agreement I would agree to 20 minutes at the most, equally divided, on any of those.

Mr. DOLE. I thank the Senator from Alabama. I think that might be a good course to follow, if we can find

out on this side if Members on this side will contact the manager, Senator LUGAR, and indicate what amendments they intend to offer.

We are not encouraging any, but if there is a need, of course, to offer amendments, that is understandable.

I am a little reluctant to try to stay late-late tonight because we have had 8 or 10 late nights in the last 10 days we have been in. I do not know about other Members, but I can speak for one at least. There are limits.

I will leave it up to the Members. If they would rather stay most of the night tonight in an effort to finish tomorrow, or not worry about tomorrow and stay late tomorrow night and finish, we can take a sample as we go on.

Mr. BYRD. Mr. President, if we could revisit this question at the end of the next rollcall, we might be able to come to a determination.

Mr. ARMSTRONG. Mr. President, if the majority leader will yield, I would urge the majority leader and the minority leader to set the time for tomorrow. We would have the opportunity to speak tomorrow. Those of us who would prefer to entertain ourselves in other ways until all hours tonight, we can do that as well. We can come in at 10 o'clock in the morning and have 10 or 15 rollcall votes. [Laughter.]

Mr. DOLE. I think that is a great idea.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, perhaps this is as good a time as any for us to acknowledge, mutually between the two sides, that the sanctions issue before us is one which, on both sides, has people of good will and humanitarianism.

I grant those qualities of good will and humanitarianism to each of those speaking on the other side, and I assert that this Senator has those qualities.

I note the presence of the Junior Senator from Massachusetts who has persuaded me on the floor and in committee on a number of matters.

Mr. President, I beseech my colleagues at this time to agree with me that each side needs to listen to the other.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Alabama is going to be heard on his amendment. Will those Democratic Senators engaged in conversation retire to the cloakroom? Will Democratic staffers please take their seats or retire?

On the Republican side, the same request is made. Will those Senators engaged in conversation in the aisles please take their seats?

Mr. DENTON. Mr. President, I beseech my colleagues to agree with me that each side needs to listen to the

other—listen carefully, because the issue of economic sanctions against South Africa will have major effects not only on people in South Africa but also on people elsewhere and on the interests of the United States and other Nations. Never before have the words "deliberative body" been more needful of real application to the mood and method which should be applied to the Senate's disposing of this issue. Let us deliberate on facts, on opinions and on likely consequences of proposed U.S. actions.

I would like to join the others who have congratulated the chairman of the Foreign Relations Committee for fashioning a useful proposal, now much amended, which some regard as not going far enough on sanctions, and others, including the administration, think goes too far.

The administration distributed a statement of administration policy an hour or so ago in which they state their strong opposition to enactment of S. 2701 because the actions it calls for would impede rather than advance the goal of promoting further change in South Africa.

This Senator has views on the bill itself but, more important than the ultimate specific features of the bill this body finally fashions, the bill needs to be considered in a larger context.

The South African issue will not go away and our further actions respecting the issue depend on the context in which most of us come to view the issue. I wish to try to contribute to some declarative indication of the definition of that context. In my view, Mr. President, the real context of these deliberations revolves around the question of the usefulness of the imposition of more and more sanctions, especially economic sanctions. It revolves not only around what further sanctions the United States should now impose on South Africa but with what conditions, for what reasons, and with what criteria those sanctions should be imposed.

As to reasons, this Senator agrees it is necessary, necessary not only for the United States to have humane domestic policies herself, but it is useful for us to consider encouraging or motivating other countries to act humanely in their domestic policy.

I suggest similar motives should exist regarding foreign policies of our own and of other nations notwithstanding our unanimous desire to effect the elimination of apartheid, at least in passing, one must note that the United States possesses neither the right nor the power to impose forthwith its own standards on other sovereign nations. But we can and sometimes should try to affect those nations. Indeed, frequently we have tried. Our success has been mixed. We have done so in the case of the Shah

of Iran, for example, moving him to the left during the terms of several of our Presidents. Our experience was not entirely successful. Hopefully we will learn from the clumsiness and tragedy of having moved that ruler further left than his right wing would tolerate, then effectively abandoning him and his people to a much worse fate than the one we tried to correct. So we should move with caution. Our own historical record with the American Indian, the blacks of America is not exemplary so we should also move with humility.

To assess the degree of humaneness of domestic policies of our own or other nations, permit me to suggest that it would be helpful to consider the definition of a term I shall coin: "Political equilibrium."

Let us define perfect political equilibrium as a condition in which all of a nation's citizens consider their own political system as perfect just. I doubt if any nation exists in that condition of perfect equilibrium by that definition. But I acknowledge that there is a wide spectrum of relativity in equilibria among nations as defined.

I acknowledge that the political condition of South Africa definitely exists in a state of relatively severe disequilibrium. In the interest of not losing sight of proportion, at least in passing, we should note that the political conditions of a number of other states exist in at least a similar kind of disequilibrium. I would cite Poland, the Soviet Union, Nicaragua, Cuba, Ethiopia, Afghanistan, and others.

I would acknowledge nonetheless that the political condition in South Africa is in a state of disequilibrium that exceeds that of any so-called free nation in the world and as I said, I would agree that the United States might usefully consider sanctions intended to help move it toward equilibrium.

In the interest of proportion and honesty, I would add that the foreign policy of other nations should also be the subject of judgment on our part, and we should decide whether the United States should invoke sanctions respecting the humaneness of their foreign policies.

I would cite as examples for careful examination the foreign policies of the U.S.S.R., Cuba, Libya, Nicaragua, the so-called Government of Afghanistan, and others as perhaps decidedly more in need of further sanctions than South Africa.

The issue of sanctions against South Africa thus includes a number of subordinate questions. For example, should not sanctions against that nation be considered more in the continuum of events in the geographical and historical context and the political realities of South Africa rather than in comparison with simply our own present domestic standards and poli-

cies? If that consideration is properly made, then we could conclude whether a given set of sanctions would tend to improve the lot of those intended to be improved.

What effects are possible, probable, or certain on the political economic, or military interests of the United States, particularly vital, life or death, interests. Do such effects exist? This Senator believes so. What are the effects of a given set of proposed sanctions on the same kinds of interest of other states?

I believe, Mr. President, that only by a deliberative consideration, a lengthy consideration, an objective consideration, of those questions and others which I shall hear from my colleagues can we hope to proceed toward a useful, not to mention fair or sensible conclusion.

□ 2210

I have made these preliminary remarks not because I think everyone who has spoken has been without proper context but because from what I have heard from some Senators I truly believe that the mood and method in which we have been dealing with the question of sanctions have not been deliberative nor objective, nor full of a desire to learn what must be known as to effects before acting.

I truly believe that as we continue to deal with this issue, we are becoming prone, by inference in this bill, to committing not only a great injustice and folly but also to committing a mortal self-inflicted wound.

This process impends because rather than ask themselves the many questions mentioned above, perhaps too many of us may be populistically and simplistically dealing from purely domestic politically based motivations. I hope not. Having said all that, I know I have much to learn, as do others. I remain receptive to hearing all of what is said by those who propound these sanctions, by those who would amend these sanctions, and by those who would negate these sanctions.

I hope my colleagues will listen as attentively as I have listened and as I shall listen to what they say.

As to the bill itself, although possibly not extreme in itself, I am concerned that the Lugar sanctions bill caters to attitudes, aims, and assumptions that, if nourished, will grow into a vicious self-perpetuating cycle, a cycle requiring the imposition each year of tougher sanctions because one of the underlying assumptions seems to be that the more the violence the more the need for sanctions. This assumption ignores which parties are promoting violence and ignores the fact that those who are promoting it will be encouraged to promote more violence to get more sanctions.

This sanction cycle will be counterproductive to our objectives in South

Africa, the achievement of a nonracial multiparty democracy in South Africa; will lead to the further impoverishment of South Africa, will have as yet unexamined consequences for our own domestic economy that will translate into lost jobs and decreased competitiveness for American industries.

Mr. President, let me be more specific about the path of folly which I see likely to develop unless some dangerous assumptions and criteria are abandoned. We must abandon illusions. We must deal with the following facts:

First, truly punitive economic sanctions will hurt economically—even to the point of starvation—those whom we want most to help. That point has two subpoints: economic growth will slow or stop, and, second, black South Africans themselves oppose sanctions and disinvestment.

So economically they will suffer and right now—spiritually, intellectually—they oppose sanctions and disinvestment.

Second, sanctions will hurt black South Africans politically and will, with high probability, leave them far worse off than they are now.

Third, punitive sanctions can hurt the U.S. economy and force some Americans out of work; ultimately our own economy, if this cycle continues far enough, can be destroyed. There is sufficient risk of that for us to consider the matter.

Fourth, sanctions will hurt the United States strategically, and if the cycle continues far enough can hurt it vitally in the strategic sense.

Fifth and last, sanctions can and will accelerate the accomplishment of global Soviet objectives, especially and most immediately on the continent of Africa.

I will deal with each of those five points individually. First, truly punitive economic sanctions will truly hurt economically—even to the point of starvation—those whom we want most to help. There is an old African saying, Mr. President, still unfortunately true: "When the white man grows thin, the black man starves."

Let us examine South African economic growth and unemployment as related to the efficacy of the further imposition of sanctions. Mr. President, South African economists estimate that South Africa's economy must grow a steady 4 percent a year in order to provide employment for new blacks entering the work force even under the system as it existed 5 years ago without sanctions and without the loosening of apartheid made easier by the improving economic conditions. Let us look at boycotts and their effectiveness. If boycotts of South African exports were imposed and became 20-percent effective, the following number of people would lose their jobs

in South Africa: 90,000 whites, 343,000 blacks.

If we boycotted their exports to the point of 50-percent effectiveness, there would be a 1.1 million loss of jobs, with income falling by \$1.5 billion a year, in direct effects without including multiplier effects.

It is interesting to note that at the outset of the international sanctions campaign South African unemployment was already high due to worldwide recession and depressed world prices for the commodities exported by South Africa. Since 1980, the average growth rate has been far less than 2 percent. The ban on new loans will assure that GNP growth will remain low. That ban is one of the previous sanctions ordered by the President, upon which S. 2701 expands.

In 1981, South African unemployment was 13,000. Today it is 80,000. That 80,000 does not reflect the number of unemployed blacks, but is comprised of whites, coloreds, and Asians. It is unfortunate that unemployment statistics do not exist for blacks, but the projected losses I quoted above in black jobs are true, notwithstanding the unfortunate lack of those statistics regarding current black unemployment.

The effects of limited sanctions are already being felt. Further punitive sanctions will most assuredly bring hardship for those whom we wish to help the most. There is no way around that.

Let us take a look at certain commodity sectors in terms of the effect of sanctions. For example, the coal industry. The Chamber of Mines reports that under limited sanctions export sales have already fallen 17 percent. The employment in the coal sector is roughly 110,000 total, 95,000 of whom are black. Thirty-five percent of South African coal workers could lose their jobs under an import embargo, which means that when dependents are taken into account—an average of 5 per laborer—200,000 men, women, and children would be deprived of their means of living.

Let us go to steel. The Iron and Steel Corp. [ISCOR], has 58,000 employees. ISCOR exports account for 25,000 jobs, of which 13,500 are held by blacks. To give you an idea of the multiplier effect, each ISCOR iron-steel job generates an additional four jobs in transportation, harbors, and supplier industries. Thus, 100,000 jobs could be affected by an embargo, approximately 50,000 of these held by black South Africans. So the potential number of black employees losing jobs because of lost ISCOR exports is 63,500, not including dependents.

□ 2120

Let us move to textiles—140,000 people are employed in the industry: 40 percent are colored, 36 percent are

black, 1 to 2 percent are white, the rest Asiatics. The industry has had regular wage increases, most of that going to blacks. Wage discrimination based on race was prohibited by the South African Government in 1981. I say again, wage discrimination was prohibited in 1981.

Lost jobs in the textile and apparel industry if a trade embargo were to be levied, would be as follows:

With a U.S. embargo on textiles and apparel, 9,700 employees would lose their jobs, 34,000 indirect job losses would also occur; 136,000 when dependents are included.

With a joint United States and European embargo on textiles and apparel: 48,500 employees would become unemployed, with an additional 169,800 indirect job losses; with dependents, a total of almost 700,000 human beings could be deprived of their means of well-being.

Those are some of the direct economic hardships that could be imposed, inevitably imposed, by sanctions.

Let us move now to the second part of the point—namely, that black South Africans oppose sanctions, particularly if it means economic hardship. I am going to report on all the polls at my disposal. I am going to refer to polls showing both ways.

Polling data generated each year since 1984 show considerable opposition to punitive economic sanctions and disinvestment, as a general statement.

In July and November 1984, in a poll by the Center for Applied Research, conducted under the direction of Dr. Lawrence Schlemmer, and questioning urban blacks alone: 74 percent opposed sanctions in July and 84 percent opposed them in November 1984.

A 1985 poll: six different polls were conducted among urban blacks by Human Sciences Research Council, the Sunday Star, Market and Opinion Research International—MORI. Only one poll, the MORI poll, showed significant support for disinvestment—77 percent. I cannot account for the difference in those polls.

In 1986, three polls were conducted—one by the Human Sciences Research Council, in March. Among urban blacks, 67.7 percent opposed international sanctions; 73.3 percent when it meant the loss of their jobs.

A poll conducted in March by the Institute for Black Research headed by Fatima Meer, a prominent pro-UDF activist showed 73 percent of urban blacks opposing sanctions.

A later poll by MORI, which had the anomalous results, showed this time, polling both rural and urban blacks, 32 percent opposed sanctions, 29 percent supported. The rest had not ever heard of sanctions or did not know what to think. Thus, 52 percent of

those who know the issue or about the issue opposed sanctions.

Numerous uncontestedly reliable black South Africans, on behalf of their constituencies, have also spoken out against sanctions. Most well-known, perhaps, is Gatscha Buthelezi, leader of the almost 7 million Zulus.

The third point: Sanctions will hurt black South Africans politically and will, with high probability, leave them far worse off than they are now.

I ask Senators to listen to this point: Black South Africans as well as white ones know something that many in this body and many other Americans do not know and are not permitted to know by the way much of the media has handled this question—namely, that the South African business sector, unlike those in most of the world, is well to the left of the white political center; and most of those black and white South Africans know that the Government itself is now convinced, and has been for some time, that apartheid and the homeland system are mistakes, tragic mistakes.

Now, government, urged by the business sector, is moving to correct, at an increasing pace, those mistakes. I do not deny that many of those who are in opposition to me on this issue today and those like them may have helped develop that pace, and I applaud them for that. But we can cause a reversal of that pace, we can bring about a reversal of the pace toward improvement, and change it toward tragedy, toward great human loss, toward great loss in the interests of the United States.

We cannot deny something that is evident in some of the liberal media which they try to disguise. Throughout South Africa's black townships, the principal force and trend is terrorism. Township residents are being forced by terrorism and intimidation to choose between a horrible death on the one hand and, on the other hand, taking part in, or at least not opposing, violent revolution.

The principal opponents of these tactics are the African National Congress, South African Communist Party Alliance, and elements of the broad coalition organization known as the United Democratic Front.

I do not say that all or any of those organizations are for that. I am saying that the weight, on balance, of the African National Congress is, and that many in the United Democratic Front are also involved.

Mr. President, I do not want to overplay my involvement in this area, but I have been involved in it for the entire time I have been in the Senate; and I find candid Members saying that they do not know very much about it. I do not know everything about it, I do know the sum of that which I have learned through having to apply

myself to it as chairman of the Subcommittee on Security and Terrorism. By duty, I have been forced to follow internal events in South Africa quite closely. My staff has made numerous trips to South Africa. We have been visited by parties from all sides on this issue.

We have watched necessarily—and I acknowledge this—the activities of the African National Congress, as a matter of security. I make note that many of those who advocate sanctions also believe that the African National Congress presents a real alternative to the present South African Government, and a concerted campaign is underway to broadcast this organization as the patient long-suffering national movement that it once was. Indeed, it once was.

(Mr. HEINZ assumed the chair.)

Mr. DENTON. Different Senators are saying different things now about this. I am not speaking from subjectiveness. I am speaking from what facts I have learned from studying this matter and from witnesses who have testified.

□ 2130

Unfortunately, although many South African blacks and whites who express support or sympathy for the ANC may share our vision of a peaceful transition to a government based on the consent of the governed, which protects the rights of all, evidence presented in 1982 before my subcommittee clearly established that the ANC leadership does not share that vision.

There was brave testimony, unforgettable testimony to this Senator from several witnesses, coupled with the exposition of numerous original ANC documents, which established irrefutably the degree to which the goals, strategies, and leadership of the South African Communist Party and ANC are integrated.

One of the most painful experiences of my life was the interview of one of our witnesses, Bartholomew Hlapane, who had held leadership positions concurrently in the ANC and the South African Communist Party. He told me that as a result of his testimony he knew that he would be assassinated. Indeed, on December 16, 1982, within weeks of the publication of our hearing report he was murdered because of his testimony, and the ANC publicly took credit for the assassination, referencing his testimony at the hearing. His murder also left his wife dead and one of his young daughters, Brenda, a paraplegic.

My staff and I have tried to acknowledge our debt to Mr. Hlapane for his courage and commitment to a better future for his people by looking out for his children. For example, two daughters, Charmaine and Audrey. They are now studying in Alabama at the University of Montevallo, thanks

to the contributions of many generous people.

That man was not lying. That man knew he was giving his life for telling the truth. I do not see why this body does not respect that. If you do not believe it go and look at what he said; go look at what the other witnesses said.

If anything, the evidence that has become available since the 1982 hearings on ANC intentions and links to the Soviet Bloc and international terrorist groups further substantiates our conclusions. At its first party conference in many decades, the watershed Kabwe Conference of June 1985, the ANC acted to expand Communist influence on its national executive committee. They acted to expand that influence in 1985, not to decrease it as many Senators are saying. Roughly two-thirds of the committee are now SACP members or Communist advocates. The U.S. intelligence community across the board has provided the subcommittee with detailed classified information on irrefutable SACP influence in the ANC.

One of the witnesses was taken to Moscow, an attractive young woman. When she refused to engage in terrorist training, which they afforded her in response to her accepting an offer of a college education, they took her to the Soviet Union, not to some neighboring African state. After they took her to the U.S.S.R., kept her in a room with dead people night after night, they multiply raped her. She pretended to go along with them, then came back and escaped. She subsequently came to us and told us about her experiences in Moscow. There was no doubt in her mind who was running the show.

In the intervening years since our hearings, the ANC has also acted to solidify its ties to its foreign allies. Virtually all of its material support, estimated at \$80 million, comes from the Soviet Union. Furthermore, it conducts a persistent anti-Western rhetorical campaign—I am referring to ANC—which includes generous expressions of solidarity with the Marxist-Leninist regimes in Vietnam, Nicaragua, Afghanistan, and others. Last week, a high-ranking representative of the Iranian Government met with Oliver Tambo in Lusaka, Zambia to strengthen relations between Iran and the ANC.

I think that Alfred Nzo, Secretary General of the ANC, explained the ANC's foreign alignment best in a contribution to the World Marxist Review in December 1984:

I am not saying that if it walks like a Communist, talks like a Communist, looks like a Communist, it is a Communist; I am quoting this man in the World Marxist Review in December 1984. He is the Secretary General of the African National Congress.

... the ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad are friends we can rely on. This struggle is part of the overall anti-imperialist struggle... The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forays...

We express our solidarity with all those who uphold their legitimate rights and rebuff attempts on their countries' sovereignty and independence. We support the courageous Palestinian people who are repelling the imperialist and Zionist aggression and affirm that the objectives of the Palestine Liberation Organization and the African National Congress are similar. The ANC supports the peoples of Nicaragua, El Salvador, Chile and Lebanon in their struggle. We urge greater unity of the democratic and progressive forces fighting off the imperialist onslaught in all parts of the world.

What a benign, sweet, peace-loving organization with which to go along.

The statement gives only a hint of the ties that exist between the ANC and the PLO, a relationship that has existed since at least the early 70s. In 1981, ANC cadres received training from the PLO in Mozambique. In 1982, further training was conducted in Tyre, Lebanon, and as I understand it, the PLO offices in Zimbabwe, Mozambique, and Zambia serve as communication and supply links for the ANC.

It may interest my colleagues to know that the ongoing PLO/ANC alliance has finally become serious enough to draw the attention of the Anti-Defamation League of the B'nai B'rith. Its May 1986 Bulletin—that is not very long ago—carries a revealing article by Nathan Perlmutter and David Evanier.

I ask unanimous consent that it be printed in the Record and urge all of you to review it for additional detail on the issue of the ANC and its alliances.

The PRESIDING OFFICER. Without objection it is so ordered.

[See exhibit 1.]

There is further cause for us to reject the notion that the ANC provides a respectable solution to South Africa's internal problems, and further cause to concern ourselves with their heavy involvement with the debacle which we by sanctions would further. The African National Congress is openly committed to revolutionary armed struggle. I refer you to only one of many statements by the ANC leadership on the subject. On July 23, 1985, Oliver Tambo, the head of and a so-called moderate in the ANC, declared:

Our own tasks are very clear: To bring about the kind of society that is visualized in the Freedom Charter we have to break down and destroy the old order.

I do not think that those objectives are the objectives of anyone in this body. I think we would rather accelerate the existing government toward improvement. I respect that motivation.

I only ask that caution be exercised with respect to the ANC and its connections with the problem.

The ANC is doing in South Africa what the Nicaraguan-backed guerrillas are doing in El Salvador.

Both want confrontation and violence. Both want political and economic chaos. Both want the respective governments to crack down, appear repressive, more repressive than they really are in South Africa, appear more repressive because for survival they are going to try to protect the blacks being killed by blacks. They do not want peace. They do not want negotiations. They want control of South Africa for the reasons that are evident in the quotations I have given.

Sadly, the ANC works with "necklacing." In an ANC press release in Lusaka, July 1, 1985, the ANC urged:

Let us turn every corner of our country into a battlefield. . . every patriot a combatant, every combatant a patriot. . .

ANC spokesmen at California State University on October 10, 1985: Alosi Moloi stated:

Among us we have people who have openly collaborated with the enemy. You have to eliminate one to save hundreds of others.

□ 2140

Tim Ngubane, and ANC man, said at the same meeting:

We want to make the death of a collaborator so grotesque that people will never think of doing it.

Winnie Mandela, mentioned with near reverence many times in this body, wife of Nelson Mandela, according to the Washington Post of April 14, 1986, said:

The power is in our hand—we have people's power . . . with our necklaces we shall liberate this country.

There are others who also encourage necklacing.

Before mentioning that, I will show you photographs of what necklacing is.

Here is the description from an article entitled "The Necklace: How they Die," describing what death by necklacing is like.

The terrified victim is captured by his (her) executioners. Frequently, his hands are hacked off as a first deterrent to resistance. Barbed wire is otherwise used to tie the helpless victim's wrists together.

An automobile tire is placed over the shoulders and filled with petrol or diesel (the latter has been found to stick to the skin when it burns. It is therefore in greater demand).

The fuel is ignited with a match.

And it so happens that I have seen this kind of thing in Vietnam.

(Exhibiting boxes of matches is the way the comrades earn the respect and fear in the townships.)

In other words, everybody is so familiar with this, the intimidation of it is so great, all you have to do is wave a box of matches.

The victim is usually forced to light his own necklace.

The fuel ignites the tyre which rapidly attains a temperature of 400 °C to 500 °C.

INTERNALLY

As the tyre burns great clouds of black smoke spiral upwards. Various short-chain hydro-carbon type fumes are released which reach a temperature of 300 °C. They are inhaled and destroy the lining of the throat and lungs.

EXTERNALLY

The rubber melts and the molten rubber runs down neck and torso, burning, as it goes, deeper and deeper into flesh and tissue. (The tyre cannot be removed by others e.g. family, at this stage, neither can the fire be doused with water). The victim is now a living corpse.

The victim may take up to twenty (20) minutes to die whilst he or she endures this agony, the Comrades stand about laughing and ridiculing him or her. Often members of the victims family are encouraged to attempt to save the victim. The Comrades know that this cannot be done. The molten rubber is similar to boiling tar and cannot be separated from the scorched flesh.

The elements of UDF who participate in that are among those members of the UDF who wish to polarize the issue at any cost, regardless of what developments take place in terms of improvement on the government's part.

UDF executive member, Mr. Curtis Nkondo, stated in Johannesburg on May 17—and this was reported in the CIA's Foreign Broadcast Information Service:

Anybody who does not want to join the liberation struggle must join the police. There is no such thing as the politics of neutrality.

Another quote, more grim, by a Newsweek reporter, Richard Manning, reported on June 2 that a grim joke is making the rounds on the eastern cape. The joke is: "What does the UDF stand for? Answer: Uniroyal, Dunlop, and Firestone."

I remind my colleagues that the definition of a "collaborator" is not very definitive. Those whom the ANC consider to be legitimate targets for necklacing have included migrant miners, liquor store owners, a 62-year-old woman who sold funeral insurance in a funeral parlor, and many other innocent people who were in no way collaborators.

That kind of terrorism should be something we are focusing our attention on and trying to see what part it plays in the dynamism of South Africa.

In a classic pattern, outlined in Carlos Marighella's *Minimanual for Urban Guerrilla Warfare*, moderates

are the targets of attack by the radical extreme.

To some people, like Claire Sterling, a female author, a self-acknowledged member of the Young Communist League while in college, a self-acknowledged liberal today, these tactics used by the ANC, used originally or classically in Uruguay, used by the guerrillas supported by the Sandinistas, used in Afghanistan, used in Vietnam, Laos, Cambodia, those are old stories with which she and men like Arnaud DeBorchgrave from his studies and experiences, are very familiar.

Men like Joel Lisker, my staff director is very familiar with it. They are an old theme with which the West Germans, the Italian Government and its judiciary are very familiar.

Why is not this body, to a man, so familiar? Why was it that when the CIA was briefing us years ago about Carlos possibly crossing a certain border, we had no Senators in the room who had ever heard of "Carlos the Jackal." No one knew who he was.

The same extreme elements regard punitive international sanctions as integral to their efforts to obtain revolutionary change. ANC President, Oliver Tambo, in his 1984 annual address, described sanctions as the "fourth pillar" of their struggle.

To the extent that the African National Congress, which is materially supported and ideologically aligned with the Soviet Union, and extreme elements of the UDF appear to have been successful in delivering on their agenda—imposition of international sanctions; that is one of their biggest aims—their position is strengthened vis-a-vis moderate blacks who are steady, but less high profile actors in the process of change.

Why not give them a chance?

Punitive sanctions that do not take into account and accurately assess other actors—like the ANC—can only contribute to greater political polarization in South Africa and be counter-productive to our objectives for peaceful change to a genuine democratic, fully representative government.

The worst case results of this cycle to which I referred would be a bloodbath in South Africa and the installation in that country of a regime that is much more highly repressive than the present government, built on the kind of terrorism that is now wracking the townships.

□ 2150

I have talked tonight only about the violence/sanctions cycle. I will later address the potential economic and strategic disasters that could occur unless we reasonably try to reach a perspective.

I invite with all of my heart, any Senator here to come to my office, or in any way inform me of anything to

the contrary about what I have said, or anything about the way the Government can be improved. I think it is changing and moving more and more rapidly in the right direction.

I again commend the chairman of the Foreign Relations Committee for his effort in committee and his skillful and extremely generous conduct in floor management of the bill. I say that, too, to the ranking minority member because he always comports himself in that manner.

While I have serious doubts, I reserve my judgment on the bill because I do not know what further changes we are going to impose. I personally believe, without any insight from consultation, that the President himself might approve it if we amend it enough. Maybe we do not want that. But every President that I know of who is alive today thinks that we in the Senate and the Congress in general are taking too much away from the rights and prerogative of the President in the field of foreign policy.

In conclusion, I would like to say I was informed that the Senator from South Dakota, [Mr. PRESSLER] is to offer an amendment to delete the embargo provision of the bill. He may be having second thoughts. If he does on that amendment 2699, if he chooses not to offer it, I intend to call it up.

EXHIBIT 1

[From the May 1986 ADL Bulletin]

THE AFRICAN NATIONAL CONGRESS—A CLOSER LOOK

(By Nathan Perlmutter and David Evanier)

Discussion of the political scene in South Africa properly begins with the self-evident stipulation that apartheid is racist and dehumanizing.

If you are a black citizen of South Africa, you cannot vote in national elections; you must generally use separate public facilities; you are not allowed to own real estate in 87 percent of your own country; you are told with whom you may socialize, and where you can look for a job. If the government wants to resettle you, it can do so at any time for any reason.

The "homelands" resettlement drive has forced half of South Africa's blacks into overcrowded, unproductive segregated Bantustans, areas with no industrial base that are so overpopulated hardly any viable agricultural land remains. Drinking water is unsafe and sanitation deplorable. Since the Bantustans are little more than detention camps, many Africans migrate to urban centers as "illegals" subject to arrest. Forty percent of black children are estimated to be malnourished and ten percent suffer from kwashiorkor (extreme protein deficiency).

In 1984, Pretoria's Constitution granted Parliament chambers to Asian and "colored" communities but not to blacks.

On the positive side, black, colored and Asian trade union membership has grown from 150,000 after legalization in 1979 to 750,000 today and blacks' real income has risen substantially in the last 25 years, higher than in any other African country. The U.S. State Department says that more positive changes have taken place in South

Africa in the last five years than in the previous 300.

Hotels, parks and theaters are being integrated, and the pass laws controlling where blacks can live and work were recently revoked. Other reform commitments that are going to be translated into legislation include guaranteeing blacks freehold property rights.

Paul Johnson, British historian and former editor of the *New Statesman*, recently wrote in *Commentary*: "There is . . . overwhelming evidence that South Africa has been moving away from apartheid . . . It is quite clear that P.W. Botha . . . is convinced that apartheid has to go and has been dismantling it almost by stealth to avoid panicking the regime's followers."

Nevertheless, apartheid remains in force today. We, as Jews, with a collective memory of centuries in European ghettos and who have experienced the singular evil of racism, feel a special personal responsibility to insist on its dismantling.

But this is not to suggest closing our eyes to what may emerge once apartheid is gone. Political morality demands that the values that see us abhor apartheid also measure the society that will follow. We must distinguish between those who will work for a humane, democratic, pro-Western South Africa and those who are totalitarian, anti-humane, anti-democratic, anti-Israeli and anti-American.

It is in this context that the African National Congress (ANC), so frequently discussed as an alternative to the Botha Government, merits a close, unsentimental look.

The question can be fairly asked, what has all this to do with Jews?

As a revolutionary national liberation movement oriented toward Moscow, the ANC has long echoed Soviet attempts to undermine the legitimacy of Israel. Moreover, the ANC is a strident supporter of the Palestine Liberation Organization.

In 1970, the ANC denounced "Israel's aggressive expansionism" as "supported to the hilt by the ruling circles of the U.S. and their allies" and urged "all peace-loving non-aligned states . . . (to) immediately sever state relations with Israel . . ."

An article in the September 1971, issue of *Sechaba*, the monthly ANC magazine headlined, "Zionism, South Africa and Apartheid—a Paradoxical Triangle," was adapted from a pamphlet with the same title published by the Palestine Research Center, an affiliate of the P.L.O.

In September, 1980, ANC president Oliver Tambo spoke in Paris at an International Conference on Solidarity with the Struggle of the Namibian People, sponsored by the World Peace Council, a Soviet front. He said:

" . . . I would like to assure our comrades in the liberation struggles . . . and the P.L.O. . . . that their struggle is ours . . . our fight is carried on in the knowledge of the degree of intimacy and political, military and economic alliance that has been developed between racism and Zionism."

At the 60th anniversary meeting of the South African Communist Party (SACP) in 1981, Tambo stated: "Today, in the anti-imperialist struggle, we have won new allies like the struggling people of Palestine. We have thrown up new enemies of peoples, like those who murder civilians in Beirut."

In July, 1982, during the Israeli military action against Lebanon-based P.L.O. terrorism, ANC chief United Nations observer Johnstone M. Makatini denounced Israel for its "flagrant and unprovoked aggression

against Lebanon" and its "attempted extermination" of the Palestinian people. He referred to Prime Minister Begin's policies as "Zionist Nazism."

Witnesses who had been associated with the ANC testified before the U.S. Senate Judiciary Committee Subcommittee on Security and Terrorism in March, 1982, that the ANC cooperated with the P.L.O. and that some members trained in the U.S.S.R. with P.L.O. cadres.

In 1983, a controversy erupted at the State University of New York at Stony Brook involving Professor Ernest (Fred) Dube, who taught a course on "The Politics of Race." Dube, an ANC representative at the United Nations serving on the ANC's National Educational Council, taught that Zionism is a form of racism and suggested as a term paper theme "Zionism is as much racism as Nazism is racism." Dube spoke at a "Teach-in on Palestine" in New York in December, 1983, sponsored by the November 29 Coalition, a pro-P.L.O. organization of radical leftist and Arab-American groups. In an interview published in the July-August 1985 issue of *Palestine Focus*, a publication of the now renamed November 29 Committee for Palestine, Dube said that "what the Zionists did to the Arabs in Palestine was exactly the same that the whites did to us" in South Africa.

At the ANC National Consultative Conference in June, 1985, Oliver Tambo stated: "In 1973, the Arab armies succeeded to inflict a major defeat on Zionist Israel for the first time in a quarter of a century, forcing U.S. imperialism to seek new measures to protect its client state in the Middle East."

The ANC, the P.L.O. and the South West Africa People's Organization (SWAPO) were observers at the second annual United Nations North American Regional Non-Governmental Organizations (NGO) Symposium on the Question of Palestine, in July, 1985, under U.N. auspices in New York. The symposium, held to plan an anti-Israel propaganda campaign in the U.S. and Canada, was replete with anti-Israel and pro-P.L.O. declarations that often straddled the fine line between criticism of Israel and its supporters and outright anti-Semitism.

The ANC and the November 29 Committee for Palestine cosponsored a meeting in New York in April, 1986, on the subject, "Israel-South Africa: The Apartheid Connection?" Similar meetings have since been held in many other American cities.

The ANC, which seeks to overthrow the South African government, is a "national liberation movement" that, plainly said, is under heavy Communist influence.

The ANC has been allied with the South African Communist Party (SACP) for 30 years.

The ANC is oriented toward the Soviet Union and its East Bloc allies, who have furnished it with arms, funding, military training and other logistic support.

Oliver Tambo, who has headed the ANC since 1964 when former president Nelson Mandela was sentenced to life imprisonment for acts of sabotage, is a member of the Presidential Committee of the World Peace Council (WPC), a leading Soviet-controlled front organization based in Helsinki. Tambo has been a speaker or guest at various forums sponsored by the U.S. Communist Party.

The ANC is a member of the Afro-Asian People's Solidarity Organization (AAPSO), described in 1983 by the U.S. State Department as a Soviet-controlled front.

Sechaba, the ANC magazine, is printed in Communist East Germany.

Moses Mabhida, General Secretary of the South African Communist Party, speaking at the SACP 60th anniversary meeting in 1981, said: "Our Party . . . fully supports the same program of liberation as the African National Congress for the seizure of power and black majority rule."

In 1982, seven members of the ANC national executive committee were identified in sworn testimony before the U.S. Senate Subcommittee on Security and Terrorism as SACP members. The 30-member national executive committee now has 12 to 15 members said to be affiliated with SACP.

The ANC supports the Soviet Union on foreign policy issues. Tambo told the June, 1985, ANC National Consultative Conference: "... the democratic, anti-feudal and anti-imperialist revolution in Afghanistan had been saved, with the support of the Soviet Union."

In a message to the same conference, the SACP Central Committee stated:

"... The SACP . . . pledges to do its utmost to ensure that your decisions are carried into the field of struggle and implemented."

ANC spokesmen were featured speakers at banquets sponsored by the Communist Party newspaper, People's World, held this spring in California.

The fall of South Africa to such a Soviet-oriented and Communist-influenced force would be a severe setback to the United States, whose defense industry relies heavily on South Africa's wealth of strategic minerals. If America's defense industry were handicapped, our allies' security would also be at peril. A recent Commerce Department report noted that South Africa possesses 83.6 percent of the world's chromium; 80.8 percent, platinum; 70.8 percent, manganese; and 47.7 percent, vanadium.

In the event of a Communist-influenced or controlled revolution, South Africa's dependence on income from the export of strategic metals would perhaps result in continued sales to the West. However, if South Africa's strategic metals were controlled by a regime favoring the Soviet Union, American vulnerability to making political concessions to Moscow would increase substantially.

Moreover, should South Africa be controlled by a regime supportive of the Soviet Union, sea lanes and "choke points" around the Cape of Good Hope through the red sea, trade routes to the South Atlantic and Indian Oceans, and from the Persian Gulf would be at risk.

During the last three decades, it has been made painfully clear to the American Jewish community and to all supporters of human rights, that while tyrannies can be overthrown, at times the regimes replacing them may be even worse.

Some examples: In Cuba, the authoritarian Batista was replaced by Castro's Communism; in Iran, the undemocratic Shah's fall brought to power the tyrannical Ayatollah Khomeini; in Nicaragua, the corrupt Somoza's ouster saw the Communist Sandinista regime rise to power. And in Vietnam, the boat people are our times' searing reminder of the spawn of Communism.

As Freedom House has stated, "... South Africa bears the major onus for the bloodshed. Oppressed by the system of apartheid imposed on them by the white minority, the Africans are fighting back in whatever ways possible."

The ANC and the South African Communist Party are not root causes of the up-

heaval in South Africa. Communists exploit and manipulate economic and political desperation and oppression for their own purposes. South Africa is a tinder box; the Communists are poised to strike the match.

Yet there is still time for other agents of change to take hold and a number of them exist today in South Africa. Those partisans of democratic alternatives can take heart at the recent outcome in the Philippines, in which a democratic force, Corazon Aquino, emerged triumphant.

One example of assistance to a democratic alternative is the two-month training program in political, economic and social self-sufficiency for leaders from the black township of Soweto taking place at the Afro-Asian Institute in Tel Aviv, Israel.

Israel's labor federation, the Histadrut, a staunch opponent of apartheid, runs the Afro-Asian Institute. The training program focuses on unionizing South Africa's black workers, developing black civil infrastructures, organizing black women and teaching social work.

Israel has repeatedly condemned apartheid and has expressed its willingness to join other countries in economic sanctions against South Africa.

The writer Thomas Mann wrote at the conclusion of his epic novel, "The Magic Mountain":

"Out of this universal feast of death, out of this extremity of fever, kindling the rain-washed evening sky to a fiery glow, may it be that Love one day shall mount?"

The same question applies to violence-ridden South Africa. The survival of freedom in South Africa will be possible only if the forces of violence on the far left and of racial violence on the far right are defeated by the democratic forces of moderation.

AMENDMENT NO. 2740

Purpose: To prohibit assistance to any person or group engaging in "necklacing"

Mr. DENTON. Mr. President, I reserve the balance of my time and send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. DENTON] proposes an amendment numbered 2740.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, between lines 10 and 11, insert the following new section:

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 directly or indirectly to any individual, group, organization, or member thereof, or entity that engages in, advocates, supports, or condones the practice of execution by fire, commonly known as "necklacing".

Mr. DENTON. Mr. President, this amendment is an uncomplicated one, designed to assure that no foreign assistance funds from any of our foreign assistance accounts, or any other money from U.S. official sources, will go to any individual, group, or organi-

zation that supports, condones, or practices necklacing.

There can be no ignorance about the nature of the executions by fire. I have already shared a description with you of it.

I would like to offer some statistics about it very briefly.

Since July 1985, black-on-black violence has risen steadily. During the first 6 months of this year, the principal method of death was the necklacing. We do not know how many have taken place for sure; but in 1986, 67 black South Africans were victimized that we do know about. Already in 1986, there have been 268 such murders by this method alone that we know of.

Mr. President, the sense of the Senate language on "necklacing" in the pending legislation is not strong enough. I urge my colleagues to take stronger action by supporting this amendment. We must ensure that those who commit, condone, and support such heinous crimes will not be able to receive any assistance in any form from the United States.

Mr. LUGAR addressed the Chair. The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I congratulate the distinguished Senator from Alabama on a very eloquent and thoughtful address. For our part on this side, we are prepared to accept the amendment.

The PRESIDING OFFICER. Are there other Senators desiring to speak on the amendment?

The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Would the Senator answer the following: What do the words "directly or indirectly to any individual, group, organization, or member thereof" mean? Does this phrase mean that no assistance could be given for example to any national group, African National Congress, or will each case be judged on its own merits?

Mr. DENTON. Yes. If the African National Congress refuses to denounce necklacing, and the evidence shows that they are continuing to practice it, we would not be in the position of determining that, we would simply write the requirement.

Mr. PELL. Who, if I can ask the Senator, would make that determination?

Mr. DENTON. The President of the United States has his sources of intelligence on that. I think the President should be the one to make that determination.

Mr. PELL. Obviously we all abhor the practice of necklacing, but this is the first time I have seen the amendment. I will need a moment to review it.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 2200

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROYHILL). Without objection, it is so ordered.

Mr. DENTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

On page 69, between lines 10 and 11, insert the following new section:

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."

Mr. LUGAR. Mr. President, the distinguished Senator from Alabama has shown this Senator the modified amendment. We ask for its adoption. We are prepared to accept the amendment, as modified.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we have seen the modification. I share the sentiments of the chairman. I would request, however, that the modification be read.

The PRESIDING OFFICER. The clerk will report the modification to the amendment.

The bill clerk read as follows:

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".

Mr. PELL. Mr. President, I would recommend the adoption of this amendment with the modification.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2740), as modified, was agreed to.

Mr. DENTON. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2741

(Purpose: To suspend air service between the United States and South Africa)

Mr. SARBANES. Mr. President, I send an amendment to the desk on behalf of myself and Senator KASSE-

BAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DENTON. Mr. President, will the Senator allow me 10 seconds to thank Senator LUGAR and Senator PELL?

Mr. SARBANES. I will yield without losing my right to the floor.

The PRESIDING OFFICER. The amendment will first be reported.

The bill clerk read as follows:

The Senator from Maryland (Mr. SARBANES), for himself and Mrs. KASSEBAUM, proposes an amendment numbered 2741.

Mr. SARBANES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 5 and 6, insert the following:

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.

On page 72, line 6, strike out "Sec. 306. (a)(1) and insert in lieu thereof "(b)(1)".

On page 72, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 72, line 18, strike the word "subsection" and insert in lieu thereof "subsections".

On page 72, line 19, after "(a)" add "(or (b))".

On page 72, line 22, strike out "(c)" and insert in lieu thereof "(d)".

Mr. SARBANES. Mr. President, I yield to the distinguished Senator from Alabama without losing my right to the floor.

Mr. DENTON. Mr. President, I thank the distinguished Senator from Maryland.

I want to respond to the kind remarks of the manager of the bill, the distinguished chairman of the committee, and also recognize the kindness and wisdom displayed by the ranking member and his staff, and the Senator from Maryland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I know the hour is late. There was to be 1 hour of debate on this amendment. I hope we will not have to use it all. In fact, I hope the managers, once they have a chance to review the amendment, will find it possible to accept the amendment.

To explain it very briefly, this amendment is intended to perfect a provision already in the bill, section 306, with respect to prohibiting air transportation with South Africa.

Interestingly enough, I think most people think that the provision in the bill now would bring a prompt end to air transport with respect to South Africa.

In fact, it would not do that until a year had elapsed.

As the bill is now written, notice has to be given to terminate the current agreement. A year would then have to elapse before aircraft were actually prohibited from flying between the South Africa and the United States.

When the committee considered immediate sanctions and future sanctions to express our opposition to apartheid, the termination of air transportation was included among those that would be imposed immediately.

The way section 306 has been drafted, it does not accomplish this goal. What the provision does, as currently written, is set in motion the termination of our bilateral air service agreement with South Africa. But that would not actually take effect until 12 months later. The amendment that the Senator from Kansas and I have offered would bring a suspension of air service 10 days after the enactment of the legislation. It would have the President notify South African authorities of his intention to suspend and 10 days later, the suspension would take effect.

Currently, air service between the two countries is governed by a 1947 agreement. South Africa has been providing service under that agreement. No U.S. carrier currently flies between the two countries, since Pan American has suspended service.

It is my judgment, after analyzing the agreement and consulting with legal experts, that the United States is within its rights to suspend air service in the interim without violating provisions of the agreement, a concern raised by some. I am convinced it is perfectly proper for the United States to engage in such a suspension because the agreement allows such an action in the event either party has failed to fulfill the terms of the agreement.

I think it is clear the Government of South Africa has breached section IV of the annex to the agreement, which has an objective to "foster and encourage the widest possible distribution of the benefits of air travel for the good

of mankind * * * and to stimulate international travel as a means of promoting friendly understanding and good will among peoples." I do not believe anyone can honestly assert that the South African Government has permitted all its citizens fully to enjoy the benefits which the agreement envisioned. As my colleagues will recall, the South African Government has prohibited Reverend Boesak, Bishop Tutu, and other leaders in South Africa from leaving the country from time to time. These individuals are but a few of the many critics of apartheid who have been denied the fruits of the agreement.

For this reason, it is totally proper for the United States to suspend the air service. I think most Members assumed that in acting with respect to air travel, the committee was acting in a manner to ensure that the ban would take effect, if not immediately, at least in the very near future and not a year down the road. In fact, the bill itself contains in a different section a list of other sanctions which would be put into place a year from now if there were not significant progress toward dismantling apartheid. So I think we stand on firm ground in cutting off forthwith air links between the United States and South Africa, until such time as South Africa is prepared to permit all its people fully to enjoy the benefits of any agreement with respect to air travel entered into between our two governments.

This amendment will send a strong message to those South Africans who do not fully understand the strength of American opposition to apartheid or appreciate our commitment to see it dismantled. I urge my colleagues to support it.

I might note that one of the sanctions the Commonwealth countries are looking at is the suspension of air travel. I understand that they intend to seek to implement it in the near future. It seems to me imperative that the United States be part of that effort and, indeed, lead that effort. I very much hope this amendment will command the support of my colleagues.

Mr. DODD. Mr. President, will the Senator yield?

Mr. SARBANES. I yield to my colleague.

Mr. DODD. I thank the Senator for yielding. I commend him and the Senator from Kansas [Mrs. KASSEBAUM] on the amendment. I would like to be added as a cosponsor.

Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I commend my colleague because I think in all conversations we have had over the last several weeks

about sanctions, and there have been many—it becomes somewhat confusing to people the degree of involvement and complexity when you start listing all the sanctions.

However, if there is one single sanction which seems to enjoy more support, I suppose, than anything else, that has been discussed in any way over and over again, it is the one that the Senator from Maryland is referring to tonight. This is the one area that I think people felt was an area that could probably have as much effect as any. This is an important issue to the Government of South Africa. While certainly it will create some hardship, obviously, it is the one sanction that I think most agree may have the most direct and immediate effect of any.

We had discussed it in fact, a year ago—we did not incorporate it as part of the legislation a year ago, but there was significant discussion, as I recall, and the Senator from Maryland may correct me on this, about adding this kind of sanction. While we did not have a decision about adding this kind of sanction. While we did not have a decision about that particular provision, there was some discussion about it.

In fact, I think many felt if we had to come back to this subject again, this particular sanction would be one that the President and the Congress would want to impose as part of the legislation.

Obviously, as the distinguished Senator from Maryland has pointed out, by having a year before the termination could go into effect, I think we would be losing some valuable time on this issue. So I commend him and Senator KASSEBAUM for the amendment. I hope the amendment can be adopted.

Mr. SARBANES. I thank my distinguished colleague. I simply want to underscore again that in the legislation brought before the committee, this sanction was included in that section of the bill which deals with immediate sanctions. There is a further section, section 501, which declares it the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within 12 months toward ending the system of apartheid and establishing a nonracial democracy.

Other sanctions are listed in this section, 501, but the termination of the air service is not among them.

The air service termination was included in the section imposing immediate sanctions therefore assuming that the end of flights would indeed take effect at once. As it was written, however, requiring a termination of agreement in effect, the flights would only end after the expiration of 12 months.

At the recent Commonwealth meeting, it was decided that a ban on air

links with South Africa was one of the measures Commonwealth nations would proceed on forthwith. It had earlier been recommended by the Commonwealth Eminent Persons group.

I very strongly commend this amendment to my colleagues.

Mr. PELL. Mr. President, will the Senator yield to me?

Mr. SARBANES. I certainly will yield to the Senator from Rhode Island.

Mr. PELL. I just want to say I support this amendment. I think it fills a gap in the bill as reported by the committee. My own recollection is that the committee's intention was to impose this sanction immediately. Adoption of this amendment will ensure that.

Mr. SARBANES. Mr. President, I yield the remainder of my time.

Mr. LUGAR. Mr. President, I yield myself such time as I may require.

The distinguished Senator from Maryland is quite correct that the airport sanctions is one of the most important in the legislation we have adopted in committee and before us this evening. I suspect there is a difference in our interpretation of how our Nation ought best to proceed.

The Department of State—and we have sought their view with regard to the 1-year notice provision which is provided in article 11 of the bilateral service agreement between South Africa and the United States. Their view is that if we unilaterally suspend, terminate, or otherwise interfere with the agreement, the South African Government would have a right to take the United States to arbitration as provided in article 9 of this bilateral agreement. And if the arbitrators were to find in favor of South Africa and award damages, we would be obliged to seek an appropriation from Congress to pay the award. This is what is described as the best efforts clause in article IX of the agreement.

□ 2220

Now, Mr. President, I wish that this was not so. Clearly, we would like to move rapidly. It appears to me under the international agreement that we have, if we are to respect that—and I contend we ought to—we will at the time this legislation is passed institute the notice. That we can do immediately, and that we would do immediately. But the agreement, the bilateral agreement between our countries clearly calls for 1 year for that notice to take effect.

I appreciate the research of the distinguished Senator from Maryland, who has obtained an opinion from the Library of Congress that interprets this agreement to permit the suspension he has suggested. But I must say, Mr. President, that there are differing interpretations and the State Depart-

ment, that would have at least important authority and responsibility in this respect, respectfully differs with the Senator and I would simply say that our adherence to international agreements would require our taking cognizance of the agreement we have had since 1947 and that in my judgment we ought not to abrogate even in enthusiasm to make the sanctions package more vital and more timely.

Mr. DODD. Will the Senator yield?

Mr. LUGAR. I would be happy to yield.

Mr. DODD. I am just curious. The chairman said that if in fact this amendment were adopted it could result in the United States being brought by the South African Government to arbitration. Where would that arbitration occur?

Mr. LUGAR. I suspect wherever the parties designate the arbitration to occur, that is, the two parties, the South African Government and our own. They would need to find an arbitrator.

Mr. DODD. Is it a matter for the World Court? Would it fall under the jurisdiction of the World Court?

Mr. LUGAR. I think it would not fall under the jurisdiction of the World Court. Article IX that I now have in front of me suggests that it should be filed at a panel of arbitral personnel maintained in accordance with the ICAO, and therefore the arbitrator is to be found there.

Mr. DODD. It would have nothing to do with the International Court of Justice?

Mr. LUGAR. No, it does not, as I read article IX.

Mr. DODD. I was curious because I did not think we were participating there any longer.

Mr. LUGAR. I hear the point made by the distinguished Senator and that point has been made in another debate fairly recently, but I would just say to the distinguished Senator he probably will not argue that we ought to unilaterally go about violating international agreements, nor do I, nor does the Senator from Maryland. He has an opinion based at least upon his research and I am simply stating one with which I think our Department of State concerns.

Mr. DODD. If the Senator will yield, I must say to my good friend he reads my mind. Of course, he would not argue that at all. I happen to be one who regrets that we walked away from that particular situation in Nicaragua, because we were the country that founded the World Court. It was created at the insistence of the United States as a result of the Holocaust of World War II. If any nation in the world ought to uphold the jurisdiction and integrity of this institution, it ought to be this Nation. So I was being a bit facetious, but nonetheless I made

the point and I appreciate the chairman's remarks.

Mr. SARBANES. Mr. President, I would like to respond briefly to the able chairman of the committee. First of all, Mr. President, it is my contention that we are not unilaterally abrogating the agreement. On the contrary we are working within the parameters of the agreement. The State Department has a different view, but now the State Department is against sanctions altogether, so I find it very difficult to place any stock in the Department's clearly self-serving legal view. The position taken by the State Department runs directly counter to other expert opinion, I submit counter to the clear language of the document. The arbitration procedure set forth in article IX, to which the Senator refers says at its very outset, "Except as otherwise provided in this agreement or its annex."

"Except as otherwise provided," and Mr. President it is otherwise provided. There is another section, article VI, which provides that each contracting party reserves the right to withhold or revoke a certificate or permit to an air carrier in case of failure to fulfill the conditions under which the rights are granted in accordance with the agreement and its annex. I quoted earlier from a provision of the annex with respect to encouraging free travel, and underscored the clear violation of the South African Government of that provision.

What I am saying is that they have violated the agreement—the South African Government has violated the agreement. In view of that fact, we are entitled to invoke article VI to carry out the suspension of air travel. The invocation of article VI, with respect to suspension operates separate and apart from the arbitration provision of article IX, which clearly states "except as otherwise provided in this agreement or its annex."

So I submit that we are acting consistent with the agreement.

I might point out that when we terminated the air agreement with the Soviet Union, we did so on the grounds that there was not reciprocity in air travel. There was not reciprocity in air travel we asserted because Pan Am had ceased its flights to the Soviet Union, and on the basis of that—which involved a decision made not by the Soviets but made by Pan Am—we cited the reciprocity provision in that agreement and suspended air travel immediately.

Now, I submit that is far less clear a case than the provisions being cited here.

I think it was everyone's assumption when we dealt with it that the bill's provision ensured that air travel would end in short order. No one assumed it would be at least a year away. This is a sanction that all have regarded as

meaningful and significant. To delay it for a year is to undercut what this body is seeking to accomplish. I submit to you that we should and can proceed promptly; the air travel ban is included in the immediate sanctions and can be accomplished consistent with the 1947 agreement. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, my argument will be brief because I suspect we want to proceed to a vote, but I would respond to the scholarship of the Senator from Maryland by pointing out the Soviet agreement had no arbitration clause, and therefore more direct means I suspect were required. The Polish air agreement did have such a clause and at the time that we finally negotiated a new air agreement they were trying to fence us in and make us live up to the arbitration agreement we had.

I appreciate that there can be differences of opinion, and I share the need for timeliness that the Senator has expressed with regard to the effectiveness of our sanctions. But I must argue that in my judgment and the judgment of the State Department we would be in violation of our agreement, we would be subject to a potential award from an arbitrator because of this violation, and therefore I believe that the current interpretation of 2701, the legislation before us, that we give notice of this point, the year notice keeps us fully in compliance with our international agreement and in itself indicates the seriousness of our intent.

I conclude my argument, and after the Senator has yielded back his time I will yield back my time so we might proceed to a vote.

Mr. SARBANES. Mr. President, let me make one final point. The arbitration provision, article IX, provides for arbitration except as otherwise provided in this agreement or its annex. Since the suspension provision found in article VI seems straightforward and absolute, I am convinced it can be invoked independently and without resort to the arbitration procedure.

I respect the chairman's opinion. I must confess to him I do not respect the State Department's opinion because the Department is against these sanctions in any event. They are not for this bill. They do not want any sanctions. And I think, clearly, they are engaged in a self-serving enterprise in offering this "legal opinion."

I am prepared to go to a vote, if the Senator wishes to yield back his time.

□ 2230

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. LUGAR. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

Mr. CRANSTON. I announced that the Senator from Mississippi [Mr. STENNIS] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—42

Abdnor	Gramm	Nickles
Andrews	Grassley	Packwood
Armstrong	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Broyhill	Hawkins	Rudman
Cochran	Hecht	Simpson
Danforth	Helms	Stafford
Denton	Humphrey	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Gorton	Murkowski	Wilson

NAYS—56

Baucus	Ford	Mattlingly
Bentsen	Glenn	Melcher
Biden	Gore	Metzenbaum
Bingaman	Harkin	Mitchell
Boren	Hart	Moynihan
Bradley	Heflin	Nunn
Bumpers	Heinz	Pell
Burdick	Hollings	Proxmire
Byrd	Inouye	Pryor
Chafee	Johnston	Riegle
Chiles	Kassebaum	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerry	Sarbanes
D'Amato	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dixon	Levin	Specter
Dodd	Long	Weicker
Eagleton	Mathias	Zorinsky
Exon	Matsunaga	

NOT VOTING—2

Goldwater Stennis

So the motion to table the amendment (No. 2741) was rejected.

□ 2250

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2741) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR SARBANES ON SOUTH AFRICA

Mr. BYRD. Mr. President, the Baltimore Sun of Thursday, August 14, 1986 includes an excellent editorial on the issue of sanctions against South Africa by Senator PAUL SARBANES. As has been the case throughout the Senate debate on this important and difficult issue, Senator SARBANES brings a trenchant, insightful analysis to the debate. His colleagues on the Foreign Relations Committee benefit as we all do, from his understanding, and he has made significant contributions to the legislation the Senate is now considering.

In this thoughtful writing, Senator SARBANES describes the recent history of the sanctions question, and the state of affairs in the sad nation of South Africa. He makes the case in favor of economic sanctions and raises the compelling question of what options we have if we desire to promote peaceful change in South Africa, but refuse to acknowledge that economic sanctions can have a role.

Senator SARBANES goes right to the point in saying "we do not know for certain that sanctions will 'work.' We do know, however, that the absence of sanctions has not worked."

I believe all of his colleagues can benefit from the thoughtful and scholarly observations of the Senator from Maryland. I ask unanimous consent that his column, entitled "Sanctions Against Pretoria," be included in the RECORD at the close of my remarks, and I recommend that all Senators read it while we are debating this issue.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Thursday, Aug. 14, 1986]

SANCTIONS AGAINST PRETORIA

(By Paul Sarbanes)

WASHINGTON.—The Senate bill of economic sanctions on the government of South Africa, while not as far-reaching as some members, including myself, had urged, is a major step forward. The bill is a declaration of unequivocal opposition to the apartheid regime in South Africa. More important, it represents American determination to act on that declaration.

With strong bipartisan support, the bill sharply reverses the Reagan administration's policy of constructive engagement, a failed and discredited policy that is perceived by black and white South Africans alike as an endorsement of the vicious apartheid system.

The bill builds on congressional action of a year ago, when limited sanctions—banning loans to the public sector, computer sales to apartheid-enforcing agencies, sales of military-related articles and nuclear exports, and imports of the krugerrand gold coin—were approved. At this time, to avoid imminent congressional passage of the legislation over his veto, President Reagan imposed very limited sanctions by an executive order which is now about to expire.

Congress, unlike the president, had gone beyond immediate limited sanctions to pro-

vide for additional sanctions over time in the absence of "significant progress" toward ending apartheid. Regrettably, the situation to day is far worse than it was a year ago.

The limited state of emergency imposed in July 1985, was lifted in March, but replaced in June by a more oppressive nationwide state of emergency that has led to the deaths of hundreds and the detention of thousands. South Africa's black political leadership, first and foremost Nelson Mandela, remains in prison. South Africa continues its acts of military aggression against neighboring states and has recently initiated damaging economic measures.

In the meantime, the degrading structure of apartheid remains in place. The "pass laws" have been revoked, but a new law requiring a national identity document has been substituted. The right of black South Africans to own land has been recognized, but only within the government's black townships. The Mixed Marriages Act has been repealed, but residence laws still prohibit spouses of different races from living together. Black South Africans will no longer be stripped of citizenship, but of the roughly 9 million already deprived only a small proportion will have their citizenship restored. Arbitrary arrest and detention remain the order of the day.

The Senate's response to the continuing tragedy and outrage in South Africa is logical necessary and right. Major new provisions in the bill prohibit new investment, bank loans to the private sector, imports of goods produced by state-owned or controlled corporations, and uranium and coal imports. The bill also suspends direct air travel between South Africa and the United States and clamps down on South African government deposits in U.S. banks.

If South Africa takes concrete steps toward dismantling the apartheid system, beginning with the release of Nelson Mandela and other political prisoners, the bill stipulates that the sanctions may be lifted. By the same token, the bill makes possible further sanctions in a year's time if steps to eliminate apartheid are not taken.

Some critics of the legislation argue that sanctions will hurt blacks. Bishop Desmond Tutu has eloquently rebutted this argument. "Blacks are saying we are suffering already," he wrote recently. "To end it, we will support sanctions even if we have to take on additional suffering. I must ask, to whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?"

Critics also argue that sanctions will not "work." Such an argument addresses the wrong question. We do not know for certain that sanctions will "work." We do know, however, that the absence of sanctions has not worked. The Eminent Persons Group, after six months' intensive study and negotiation in South Africa, concluded that "It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change."

A sanctions policy, Bishop Tutu said not long ago, is "the last non-violent option left and it is a risk with a chance." In the face of South African government intransigence, it is a chance we must now take.

Mr. DOLE. Mr. President, if I could have the attention of Members, I would announce the schedule for the balance of the day.

Mr. President, I have conferred with the distinguished minority leader, and I must say I do not see any possibility of finishing this bill—maybe by 3 or 4 in the morning, but I do not see that that has a great deal of merit.

So what we are going to try to do here is ask Members who have amendments if they would stay so we could work something out on those amendments. There will be no more votes on this bill tonight. We will ask that an amendment be laid down—I am not certain whose turn it is; I guess it would be this side's turn—so we would have something to vote on at a fairly early time tomorrow morning.

I believe now—I just say to my colleagues—that there is a good chance we could finish this bill by 2 or 3 o'clock tomorrow afternoon. That would still leave us the debt ceiling, the Superfund extension, and maybe one or two other extensions that would probably not take a great deal of time.

But I just do not see any wisdom in staying on later tonight.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield to the minority leader.

Mr. BYRD. Mr. President, I share the distinguished majority leader's view.

I would suggest that we proceed now to nail in, by unanimous consent, some reductions of amendments and then agree that there will be no amendments other than these that may be called up. I am ready to proceed with mine, if the distinguished majority leader is ready on his side.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats or retire from the Chamber. All Senators would like to listen to hear what the rest of the schedule would be.

The Senator from Kansas has yielded to the Senator from West Virginia.

Mr. BYRD. But the Senate is not in order yet, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I thank the chair.

Mr. President, keeping in mind that, under the agreement, each amendment is entitled to 1 hour and that there are at least 23 or 24 amendments on this side still listed, here is the list now as we have been able to work it down: Mr. BIDEN, on automatic trigger, 1 hour.

Mr. BIDEN. Would you like reductions now?

Mr. BYRD. Yes.

Mr. BIDEN. I would agree to reducing the time to 30 minutes, equally divided, and it may not take that much time.

Mr. BYRD. All right, Mr. BIDEN, 30 minutes, equally divided.

Mr. BRADLEY, a gold amendment, 30 minutes equally divided; Mr. BYRD, 1 hour equally divided; Mr. BYRD, 1 hour equally divided.

I probably will not call up two amendments and I may not even call up one. But I would like to retain the hour on each at this point.

Mr. CRANSTON, disinvestment, 20 minutes; Mr. KERRY, a sugar amendment, 20 minutes; Mr. LEVIN, Mandela, 30 minutes; Mr. LEVIN, munitions list, 30 minutes, equally divided in each case; Mr. LEVIN, commodities list, 30 minutes.

Mr. LEVIN. Mr. President, on those three amendments, I understand that two of those may be accepted, in which event it would be fine with me to have 10 minutes, equally divided, on each of the two; in which event, I would withdraw the third amendment, after needing about 5 minutes on the third amendment.

Mr. BYRD. As of now, I assume the distinguished Senator would want to retain the 30 minutes, if we enter the consent agreement, 30 minutes on each of three.

Mr. LEVIN. Yes.

Mr. BYRD. Mr. PROXMIRE, private right of action, 30 minutes, equally divided. Mr. SARBANES—that one has just been disposed of.

Mr. MOYNIHAN, an amendment that probably will be offered by Mr. D'AMATO. There is nothing on time. It is one I suppose that was listed on the calendar. There is one by Mr. MOYNIHAN and Mr. D'AMATO on the calendar.

Mr. DODD, one amendment on banks.

Mr. D'AMATO. If the minority leader would yield, we can do that 20 minutes equally divided.

Mr. DODD. Mr. President, I will withdraw that amendment.

Mr. BYRD. Very well.

Mr. PROXMIRE, banking.

Mr. PROXMIRE. I withdraw that amendment. The only amendment is the one that you have already mentioned.

Mr. BYRD. All right.

That would complete the list of amendments that remain on this side.

Mr. KENNEDY. Mr. President, I have an amendment.

Mr. BYRD. Yes, I beg the Senator's pardon. The Senator had one on military cooperation.

Mr. KENNEDY. We talked to the chairman of the Foreign Relations Committee. I hope to be able to get 10 minutes on the amendment, even if it is 5 minutes on either side.

The second amendment revisits the Commonwealth sanctions proposal. I would be glad to have 30 minutes, equally divided.

Mr. BYRD. It would be 30 minutes on the second one?

Mr. KENNEDY. Yes.

Mr. BYRD. And on the first one?

Mr. KENNEDY. The first one, if it is accepted, 10 minutes. I believe it will be.

Mr. BYRD. And if it is not?

Mr. KENNEDY. Ten minutes.

Mr. BYRD. One hour?

Mr. KENNEDY. No, 10 minutes.

Mr. BYRD. Twenty minutes, in either event?

Mr. KENNEDY. Fine.

Mr. BYRD. Is that agreeable?

Mr. KENNEDY. Yes. I think it is worked out. Mr. Leader.

Mr. BYRD. So there you are, may I say to the majority leader. We have 14 amendments still listed on this side. We have been able to reduce the list considerably. As a matter of fact, there are 13 amendments remaining on this side. We have not only reduced the list considerably, but we have reduced the time on most of those considerably, at least half, in some instances more than half.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I have an amendment by Senator DENTON. I am not certain of the nature of the amendment or how much time. So, without knowing how much time, I assume he would be entitled to the hour, equally divided. But I hope we could do better than that.

Mr. HATCH, earmark on aid. Does anybody know how much time he may need?

Well, since he is not here, we will give him 10 minutes on a side.

[Laughter.]

Mr. BYRD. Good enough. We will buy that.

□ 2300

Mr. DOLE. Senator CHAFEE has an amendment on the sense of the Congress.

Mr. CHAFEE. Twenty minutes equally divided. That might be accepted. If so, it would be 2 minutes equally divided.

Mr. DOLE. Mr. D'AMATO: Provide State localities enforce anti-apartheid. Is that 20 minutes?

Mr. D'AMATO. Twenty minutes equally divided.

Mr. DOLE. Ten minutes on a side.

Mr. BYRD. That is the D'Amato-Moynihan amendment.

Mr. DOLE. That is right.

Mr. D'AMATO. I think we have two amendments. One would be by unanimous consent. But there are two amendments.

Mr. DOLE. If the first fails, the Senator will have a fallback. That would be the same 20 minutes.

Mr. D'AMATO. Twenty minutes. I do not think we will take 20 minutes. But it is provided.

Mr. DOLE. Mr. NICKLES: Allow Secretary of Agriculture to promote U.S. agriculture exports.

Mr. NICKLES. Twenty minutes equally divided.

Mr. DOLE. Mr. BOSCHWITZ: Modify sanctions.

Mr. BOSCHWITZ. Mr. Leader, I have four amendments, and I would not need to raise the one about dealing with South African judges. I believe that has been taken care of already. The sense-of-the-Senate one I do need to deal with. The one dealing with black-owned businesses I can do this evening. I think it would be accepted. And the one compensating South African blacks who are made unemployed, that would take 10 to 12 minutes equally divided.

Mr. DOLE. I had better list two amendments yet this evening.

Mr. BOSCHWITZ. Yes. Twenty minutes equally divided. One I do not think will be accepted. I think the other will be accepted.

Mr. DOLE. In any event, the Senator would be satisfied with that time.

Mr. BOSCHWITZ. Ten minutes equally divided on each amendment.

Mr. BYRD. Mr. President, I take it that no new amendments are on the list. We are talking in every case about amendments that are already on the list.

Mr. DOLE. That is correct.

Senator WALLOP: Apply same sanctions to U.S.S.R., 20 minutes equally divided, and another amendment to apply same sanctions to all of Africa with 20 minutes equally divided.

Senator HUMPHREY: Sanctions on Aeroflot.

Mr. HUMPHREY. Mr. President, I would be willing to agree to 20 minutes equally divided if I can be assured of an up or down vote.

Mr. DOLE. I am advised by the manager that we cannot assure that. What is the next offer?

Mr. HUMPHREY. Let us start with an hour.

Mr. DOLE. An hour equally divided.

Senator SYMMS has one on sanctions lifted if U.S. dependence on strategic materials from Communist countries increase.

Mr. SYMMS. Mr. Leader, I think that the majority side, if I have the information right, has agreed to accept the amendment, if the minority side has agreed. I do not know whether Senator PELL has looked at it yet or not.

Mr. DOLE. Why do we not list it?

Mr. PELL. I have not seen it yet.

Mr. SYMMS. If this amendment is going to be accepted, the one I have on the purchases from countries which do not allow free trade unions, I would not need to offer. I can withdraw it.

Mr. DOLE. I do not think at this point we are in a position to indicate whether or not it will be accepted. How much time would the Senator in any event need? Twenty minutes?

Mr. SYMMS. On the strategic mineral amendment, I would think 30

minutes equally divided would be satisfactory, and on the Soviet gold coin amendment 10 minutes equally divided would be adequate. On the free trade union amendment, it would be 10 minutes equally divided.

Mr. DOLE. All these that are listed.

Mr. SYMMS. Yes.

Mr. DOLE. Senator LUGAR: Technical amendment.

Mr. SYMMS. I have taken one amendment out because of the passage of the Pressler amendment. I do not need to offer the other amendment related to gold.

Mr. DOLE. Senator LUGAR: A substitute amendment, if required.

Mr. SYMMS. Mr. President, I might say that I do not know what the text of the Bradley amendment is. I may need to reserve my gold and silver amendment depending on what the Bradley amendment is.

Mr. DOLE. That would be a fourth amendment?

Mr. SYMMS. I have a fourth amendment in the unanimous-consent agreement. The one amendment deals with the purchase of silver, dollar for dollar offset sales of gold. I do not know what the Bradley amendment calls for. The passage of the Pressler amendment makes it unnecessary. We are not going to be selling gold.

Mr. DOLE. I think the Senator had better list the fourth amendment.

Mr. SYMMS. We may not have to offer it.

Mr. DOLE. That would be 20 minutes.

Mr. SYMMS. Twenty minutes equally divided would be adequate.

Mr. DOLE. Senator WILSON: United State companies training blacks in South Africa.

Mr. WILSON. Twenty minutes equally divided, and maybe less.

Mr. DOLE. Twenty minutes equally divided, and Senator PRESSLER on parastatal, 40 minutes.

Mr. PRESSLER. Mr. Leader, the parastatal amendment I do not think will take 10 minutes. I know Senator DENTON wants to speak for a considerable amount of time on that. So, 40 minutes.

Mr. DOLE. Forty minutes equally divided. I may have one amendment, 30 minutes.

Are there any other Senators who we have overlooked?

Mr. BYRD. We have checked with our Senators very carefully on this side. I believe the list is complete.

Mr. DOLE. Mr. McCONNELL: A substitute, 20 minutes equally divided.

Mr. President, that would add up to about 18 amendments on this side down from 62. I am not certain that is all of those. I think maybe it is in that whole group, and hopefully we will only have seven or eight rollcalls. But that is still a pretty heavy schedule even if we start early tomorrow. I am a little more discouraged that I was

when I stood up. I am not so certain we will be leaving here tomorrow evening.

But in any event, I hope some of those amendments that might be taken up could be disposed of this evening.

Mr. SYMMS. Mr. President, I am ready to move on a couple of amendments that can be disposed of very rapidly. I do not know. We were almost at the point, before the leader came on the floor, to bring it up on the floor. I thought it was moving pretty fast. We might dispose of a couple of these.

Mr. DOLE. The managers may be more tired than anyone else.

Mr. PELL. If the majority leader will yield for a second, I am not prepared to sign off on this particular amendment.

Mr. DOLE. Mr. President, I wonder, if there is no other amendment, whether we can limit the amendments to those that have been identified by the distinguished minority leader and those that have been identified by this Senator.

Mr. BYRD. Mr. President, I suggest that the majority leader put the question, and while the iron is hot. Of course, there will be no more amendments if these are agreed to.

Mr. KENNEDY. Mr. President, will the leader yield? Do I understand that unless we pass this South Africa that the Contra aid bill is null and void? Is that still part of the consent agreement?

Mr. DOLE. No. I think the recess is null and void. I think we have committed ourselves to stay here until we complete action on it. So that is an option.

Mr. President, I ask unanimous consent that the amendments identified by the distinguished minority leader and those identified by the majority leader with a time allocation be the only amendments in order.

Mr. BYRD. There is a committee amendment; together with the committee amendment. We do not want to exclude the committee amendment.

The PRESIDING OFFICER. With the committee amendment.

Is there objection to the request of the majority leader?

If there is no objection, and without objection, it is so ordered.

Mr. DOLE. Mr. President, I make one further inquiry. As I understand now each of these have the allocation of time, where we were able to make an allocation, and I guess we did in each case. How much time remains on the bill?

□ 2310

The PRESIDING OFFICER. The Senator from Wyoming has 1 hour 58 minutes, the Senator from Indiana has 2 hours 7 minutes, and the Senator

from Rhode Island has 3 hours 29 minutes.

Mr. DOLE. I wonder if we might be able to get consent for the time on the amendments to be charged against that total package. There are about 7 hours there. Then at the end, when we reach the end, there would be 5 minutes on each amendment instead of 2 minutes.

Mr. WALLOP. If the leader will yield, I would be willing to take the entire time for my amendment out of my remaining time. I would be happy to take it out of that time. In all probability, I will yield back the remainder of it.

Mr. DOLE. Under the Contra agreement when we reached this point, we had the time shrinking and it reduced the time on each amendment.

Mr. BYRD. The only difference, if the distinguished majority leader will yield, in the case of the Contra package several hours were up front and utilized before the cloture vote. In the case of the South Africa agreement, no hours were utilized prior to the cloture vote. So everything had to happen subsequent thereto. That is the difference.

I have a feeling that certainly overnight we can think about this and talk about it in the morning and find a way to reduce that time. I think the distinguished majority leader has made a great deal of progress in cutting down the number of amendments and the amount of time on each. I would hope that we could reduce the remaining overall time, but I believe we ought to take another look at that.

Mr. DOLE. Mr. President, I do not know of any problem but there may be one problem. We failed to check with Senator DURENBERGER and he has three amendments. I am not sure he will ask for any of them. I may have to come in in the morning and ask unanimous consent for him. I will have to clear that with him.

Mr. BYRD. His amendments are on the original list.

Mr. DOLE. Yes, on the original list, but not on the second list.

A parliamentary inquiry. What happens at 6 o'clock tomorrow night if we are still on this bill?

The PRESIDING OFFICER (Mr. STEVENS). Amendments after that time are limited to 2 minutes.

Mr. DOLE. There is some hope.

Mr. WALLOP. If the leader will yield again, it is my intention to be generous but not unilaterally generous. It is my hope that if my offer of taking my amendments out of my time is accepted there would be a corresponding reduction on somebody else's part, that mine is not the only gift for the evening.

Mr. DOLE. Well, we could come in at 4 o'clock tomorrow afternoon. We probably will not do that.

Mr. SYMMS. I would like to say again that I am already to go with a couple of amendments. I can have them done here in no time at all.

Mr. DOLE. I understand they are not acceptable on the minority side.

Mr. PELL. The amendment that Senator SYMMS has just sent to us is still under study. As currently formulated it is unacceptable.

Mr. DOLE. I am advised by the distinguished manager on this side, and I have checked with Senator PELL, that they are tired, too. They would be willing to stick around and take amendments that can be accepted, but not get into long debates. They have the most responsibility in any event. I think we have made some progress. I will turn it back to the distinguished chairman.

Mr. BYRD. Mr. President, before the majority leader yields, may I suggest that any amendments that are still on the list for 1 hour, that the additional half hour will come out of the time on the bill.

Mr. DECONCINI. I will have to object because I have to put a statement in on one of the amendments and I do not know how much time will be needed.

Mr. BYRD. May I say to the distinguished majority leader I will yield to the distinguished Senator from Arizona time from one of my two amendments for him to have for his statement. I am just suggesting that on any amendment that retains more than a half-hour equally divided the additional time will come out of the overall time on debate on both sides.

Mr. SARBANES. May I ask a question on that point? Will that still leave time for debate? Some people might want 5 minutes or 3 minutes or 6 minutes at some point. I am not pushing that very hard, but I do not think we ought to simply give that all away so there is nothing left for debate time on the bill, at least a reasonable limited amount.

Mr. DOLE. Mr. President, as I understand, there are about 8 hours, if you count the time of Senator WALLOP and Senator DENTON and the two managers, about 8 hours on the bill, and there are in excess of a dozen hours, I think, on the amendments. That is 20 hours, as a rough guess. We have about 20 hours plus rollcalls, if everything is used up. There is plenty of time, I would think.

Mr. BYRD. May I make this final suggestion with the majority leader: We have made a lot of progress on cutting down the number of amendments tonight and the time on the amendments. Let us talk again in the morning about reducing the overall time for debate. We will certainly do the best we can on this side.

Mr. President, one final question of the majority leader: What time will

the majority leader be coming in in the morning?

Mr. DOLE. Mr. President, I would say we will get on the bill by 10 o'clock. We will come in about 9:30.

Mr. BYRD. I thank the distinguished majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me ask the distinguished ranking member, is he prepared to stay for a bit and to attempt to deal with amendments that might be acceptable?

Mr. PELL. Absolutely. I would also like to see that Mr. DeCONCINI gets 15 minutes for his statement.

The PRESIDING OFFICER. The Chair will advise the distinguished manager of the bill that the next Senator to be recognized for an amendment would be a Republican Member. That does not apply to Senators who wish to make statements.

The Senator from Indiana has the floor.

Mr. LUGAR. Mr. President, let me simply indicate that a promise was made to Mr. DeCONCINI to speak and Senator HATCH to offer an amendment. Following that we will go back to the Democrat-Republican rotation on any that we can accept.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. CHAFEE. Would the Senator yield for a unanimous-consent request?

Mr. DeCONCINI. I will be glad to yield without losing the floor.

Mr. CHAFEE. Does the Senator from Arizona have a lengthy statement that he wishes to make?

Mr. DeCONCINI. That is correct, about 15 minutes.

Mr. CHAFEE. And then we go back to regular order on the amendments?

Mr. LUGAR. Mr. HATCH will have his opportunity next.

Mr. DeCONCINI. Mr. President, I think I have the floor. I yielded to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator has been yielded 15 minutes by the Senator from Rhode Island.

□ 2320

Mr. DeCONCINI. Mr. President, it is not my intent to cut somebody off if they want to ask a question.

The PRESIDING OFFICER. The Senate agreed to recognition of Senators for the purpose of presenting an amendment. The next Senator to present an amendment would, under the agreement, be a Republican Senator.

Mr. DeCONCINI. I thank the Chair.

Mr. President, I do not mean to preclude other Senators, but this Senator has been around here since about 4:30 this afternoon trying to put a magnifi-

cent statement into the record expressing my support of sanctions and hoping that they will pass overwhelmingly.

Speaking of patience, I have had patience and I have allowed this administration, I think we all have, a great deal of discretion in regard to constructive engagement. My patience has run out and I think probably the patience of the majority of people in this body has run out with a lot of things. But I think constructive engagement has gone and seen its day. This policy involves neither constructive nor engaging elements of foreign policy.

I am reminded, in strongly encouraging this body to vote for sanctions, of an adage by Mark Twain: "Loyalty to a petrified opinion never yet broke a chain or freed a human soul."

This is precisely what we are discussing in terms of South Africa—a system of political and economic exploitation. Apartheid literally means "separateness." Let me explain a few things.

It takes 15 Ministers of Education just to administer South Africa's segregated schools. Black schools receive one-eighth of the nation's education budget, yet comprise 80 percent of the students.

At last count, only 74 of the country's 1,450 hotels enjoyed "international" status, which allows them to admit and serve all races.

Whites make up 15 percent of the population, yet enjoy all of the widest of privileges such as wealth, representation in parliament, and land ownership, just to mention a few.

Blacks are not represented in any national parliament. So called coloreds have a separate body of representation.

While "domestic workers" who are black are allowed to live in the city of Johannesburg, it is only because they work for white families. They must live in separate quarters and their employers are legally required to install separate toilets and separate septic tanks.

During the past 19 months more than 15,000 people have been detained and 1,600 have died in disturbances. The examples are endless. The current state of emergency is no longer technical or temporary. It is endemic. It seems permanent. It smells of a Fascist police state. Change in South Africa is ever less likely to be peacefully negotiated, alone decided by the ballot box, if something is not done.

The Foreign Minister, R.F. Botha, said in responding to the recently approved sanctions applied by the Commonwealth countries against apartheid: "We are prepared to make sacrifices for the principles we believe in." He then went on to reiterate his resolute objection to changing the racial system known as apartheid: "So far and no further." Let me repeat: "the principles we believe in" and "so far

and no further." This is precisely why we need sanctions. Governments—which set their policemen outside the law, which imprison priests and community peacemakers, which ban journalists and cameras which deny dissemination of information which suspend constitutional rights—should not be immune from criticism. They should not benefit from the U.S. economic might. We should do everything within our power to persuade and encourage them to change including applying economic sanctions. They have a deplorable system of social, political, and economic exploitation. As Abraham Lincoln so accurately stated "No man is good enough to govern another man without that other's consent."

ENCOURAGE EVENTUAL DEMOCRACY

Let me continue, Mr. President, to comment upon this bill as it relates to the situation in Nicaragua. When President Reagan was asked at his August 12 news conference to explain his eloquence regarding the issue of freedom fighters in Nicaragua but his resistance in the South African sanctions, he replied in the following manner:

"I think that I have condemned publicly all of those things that you're talking about. On the other hand, I also realize the complexity of the South African problem because much of that death that you spoke of is being inflicted by blacks on blacks because of their own tribal separations. And all of this must be taken into account in defining a system of Government."

He went on talking:

"Nothing like that is going on in Nicaragua—not when a priest stands up and speaks to his congregation and because he says some things for example, protesting the fact that the Government has shut down on the Church's newspaper and shut down on the Church's radio station *** and he's thrown out of the country for having said that."

I draw this example, because most Presidents have the political ability to frame the issues for a decision. They also have the ability to frame issues for the American public. A President as articulate and persuasive as Mr. Reagan has been unable to sell his pitch to the American public on either of these cases. Americans oppose Contra aid and support sanctions in South Africa. But never have I seen the President make comparisons like the ones I have just cited.

How can anyone make the connection between Nicaraguan priests who are not allowed back into the country and the enslavement, imprisonment, detainment, and death of thousands of South Africans? I strongly condemn the repression of the Catholic Church in Nicaragua. But I am resolute in my appeal to President Reagan to support sanctions in the case of South Africa. The United States must exhibit its moral purpose in this matter.

Apartheid is evil. Apartheid is humiliating. Apartheid is repugnant to

anyone with the slightest sense of fairness. It is getting closer to the point where the horrors of apartheid will lead to an impending disaster which cannot be averted.

The South African Government has been tough in restricting freedoms. They have been ruthless in oppressing families. They have been inflexible in negotiations. And they have been determined to retain a government that subjects 85 percent of its population to indignities abuses and distortions. The very idea of apartheid should outrage our American citizens. It has quickly become a system of organized injustice that not only distorts human dignity but robs human life.

We need to encourage change in this crucial part of the world for U.S. interests. This is an area rich in strategic minerals. This is an area vital to U.S. foreign policy. But most of all, Mr. President, this is an area where the United States should act against flagrant injustice.

I am hopeful that effective measures, such as strong sanctions, will force comparatively peaceful change. It is my understanding that South Africa might not experience the severe destruction of its economy if this issue is settled. But it must be addressed now. And it must be addressed peacefully. This is the hope for all South Africans—black, white, and colored. It is also the hope for the people of the entire area of southern Africa. Seven of these nine countries support sanctions. Many of these countries depend upon the South African economy.

The blacks, many of whom have benefited from the U.S. presence and the Sullivan principles, are willing to suffer sanctions. I believe we should vote for this bill. We have imposed sanctions before—against terrorist countries, against communist countries, and against countries that hold our citizens hostage. We should have the moral courage to impose sanctions against a country that prohibits liberty and practices tyranny. This is a tyranny based on apartheid that produces anguish and outrage. All human beings should do everything possible to bring this system to an end as quickly and peacefully as possible.

Mr. President, let me end by saying the time has come. We have labored and debated and it troubles me that this body had to spend weeks, literally weeks, trying to get before us very important issues—aid to the Contras. Though I voted against it, I thought it was necessary that we have an opportunity to vote and debate and pass or fail on that issue. The same goes here for sanctions to South Africa.

But I wonder when we are going to address some of the other issues in this body. Are we going to continually be burdened by failure to act as a legislative body and pass legislation? As

the distinguished presiding officer knows, we have some appropriations bills, including a defense appropriations bill and many others that we have not acted on. We have a host of legislation that has passed the Judiciary Committee and has not been acted upon. I think that goes for every other authorizing committee in this institution.

It is my hope that we can wind this up, but it is my hope also that we can learn something, that we need to move on these issues because the people of this country are entitled to know what their elected leaders believe and not constantly be doing it at 10, 11, and 12 o'clock at night.

I thank the distinguished ranking member [Mr. PELL] for yielding to me the time I needed to make these statements for the RECORD.

I thank the distinguished chairman [Mr. LUGAR] for his courtesy.

I yield back the remainder of my time.

AMENDMENT NO. 2742

(Purpose: To prohibit the importation of Soviet gold coins)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2742.

At the end of the Bill add the following new section:

SEC. . PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS.—

(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.

Mr. SYMMS. Mr. President, what motivated this Senator to offer this amendment was a gentleman who came up to me about 2 weeks ago and pulled a coin out of his pocket. He showed it to me and said "Senator, do you recognize what this is?"

I said, "No, I don't."

He said, "I just bought it at a coin store to show you that you can buy these Soviet-made rubles in the United States."

He said, "You people in the Congress have said you have outlawed the purchase of Krugerrands. It seems to me in view of the massive lack of human rights in the Soviet Union, we should apply that same standard to the Soviet Union."

I think the distinguished chairman of the committee has agreed to accept

this amendment. I am hopeful that the minority manager will accept the amendment.

□ 2330

Mr. PELL. I see no objection to this amendment at this time.

Mr. SYMMS. I thank the distinguished Senator from Rhode Island.

Mrs. KASSEBAUM. I say to the Senator from Idaho, this is an acceptable amendment. I think he makes a good point and both sides have cleared it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SYMMS. I yield back all time.

Mr. PELL. I yield back the time on my side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2742) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2743

(Purpose: To provide economic support for disadvantaged South Africans.)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2743.

Mr. HATCH. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.

(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) 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.

"(c) Assistance provided pursuant to the section shall be made available notwith-

standing 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.

The PRESIDING OFFICER. On this amendment there will be 20 minutes equally divided.

Mr. HATCH. Mr. President, I rise today to offer this amendment out of a real concern for the future of the people of South Africa. For these brave people are truly on the front lines in the struggle against the repugnant, racist policy known as apartheid.

We are, of course, considering legislation which would impose economic and other sanctions against the Pretorian regime for their policy of apartheid, their refusal to release Nelson Mandela, their unwillingness to unban political parties and their activities, and their refusal to begin in earnest the process of negotiation and compromise by which all the people of that nation will be afforded a say in their country's future.

I am personally opposed to punitive sanctions, because I believe, as I know many of my colleagues do, that the imposition of such sanctions only hurt those who are trying to help—that is, of course, the black majority in South Africa.

Mr. President, there are a number of important individuals in South Africa who have been fighting for positive change in that beleaguered country for a number of years—longer than most of us have followed events there. These individuals—including Mangosuthu Buthelezi, the chief minister of Kwazulu, the largest black organization in South Africa today, and Helen Suzman, who was first elected to the South African Parliament in 1953 and today remains an effective and outspoken member of the opposition—have long been critical of the Government and of apartheid.

These important and influential South Africans reject punitive sanctions. They quite eloquently argue that sanctions would hurt blacks most of all.

Let me quote from a letter that Chief Buthelezi sent to the distinguished chairman of the Foreign Relations Committee, the Senator from Indiana, during that committee's consid-

eration of sanctions legislation. The letter reads, and I quote:

I believe that the imposition of punitive economic sanctions against South Africa will not hasten the day when all South Africans can live in freedom and dignity. Such sanctions will only further destabilize an already deteriorating economy, without producing the desired effect on the apartheid regime. My people cannot afford to commit themselves to a course of action which brings further hardship to their lives, when what they need most importantly is a robust economy which can produce the jobs and stability necessary to facilitate peaceful change.

Chief Buthelezi continues:

While I understand the frustrations of many who support economic sanctions, and share their aspirations and ideals, I believe that there are alternative measures which should be considered first. Let us not embark upon an irrevocable course of action which harms blacks first and whites only marginally. In the end, the apartheid regime must go, and what is placed in its stead will only have any change of success if the economy of South Africa is able to function.

That was Chief Mangosuthu Buthelezi, Mr. President, chief of the Kwa-zulu Tribe. Helen Suzman is one of South Africa's most influential and outspoken critics of apartheid and the white minority regime. She also argues against sanctions. She says:

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse with a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence * * *

She continues:

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen those living thousands of miles away.

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.

Thus, we hear the strongly antisanc-tions views of two solid opponents of apartheid. They oppose sanctions for good, solid reasons. I share their very real concerns about the welfare of South Africa's blacks. I, too, share their opposition to sanctions.

Mr. President, the members of this body are united in their opposition to apartheid. We view apartheid as morally wrong, and we demand that it be eliminated. And, while some of my colleagues view sanctions as a way to send a signal to the white minority regime in Pretoria that this Nation is categorically opposed to their stranglehold on power, and to their racist policies, I do not share their views in support of such sanctions. I remain strongly opposed to the imposition of

punitive sanctions which, as Helen Suzman says, and Chief Buthelezi says, would hurt the victims of apartheid which we claim we are trying to help.

Mr. President, let me repeat the statement made by Chief Buthelezi in his letter to the distinguished Senator from Indiana, the chairman of the Foreign Relations Committee. He says, "There are alternative measures—to sanctions—which should be considered first." Again, "There are alternatives * * *"

And the search for such positive, constructive alternatives is precisely the purpose of my amendment.

Mr. President, do we not as legislators have a duty to look beyond purely punitive measures against the Government of South Africa, to measures which will provide assistance to the victims of apartheid? At the same time we condemn apartheid, should we not look also for constructive alternatives? While we seek apartheid's elimination, should we not also be doing our utmost to ensure that that which replaces apartheid is fair and equitable to all South Africans?

Some suggest that we have a duty, an obligation merely to condemn apartheid—that the political situation in South Africa will somehow work itself out over time. Others argue that America's influence over events in South Africa is negligible at best and, therefore, our role is simply to state our moral outrage at apartheid's evil policies. Both of these perspectives would simply have the United States walk away from the people and future of South Africa.

I could not disagree more with that interpretation of this Nation's role in South Africa. America, as the moral leader of the world, whose society was founded on the principles of justice and fairness and equality, and which fought a great civil war to ensure that those principles extended to all Americans regardless of color or creed, does have a role to play in South Africa's future—a positive and powerful role, if we choose to use it.

That is the very heart and soul of my amendment, Mr. President. The Hatch amendment dramatically increases the level of U.S. Government support for both public and private efforts to prepare those disadvantaged by apartheid for leadership roles in a future South Africa Government by the consent of all.

The specifics of the amendment are as follows. Those funds authorized for fiscal 1987 under the Foreign Assistance Act of 1961, as amended, for economic support to black South Africans would be nearly doubled from \$25 million to \$40 million. The amendment would also allow those funds not obligated or expended in fiscal 1987 to be carried over to future years. The amendment also directs the Secretary

of State to report to the Congress within 90 days of enactment of this legislation on the administration's overall strategy for helping black South Africans, and on the specifics of how these additional funds are to be used.

Thus, the amendment would substantially increase the level of American support offered to those most directly affected by apartheid's vicious policies. Perhaps more importantly, the amendment would send a strong signal to South Africa's black majority, as well as to the white minority government, that the Congress and the American people are willing to go beyond sanctions and engage directly in the business of promoting freedom and justice and equality in South Africa.

Some of the projects which have to date been undertaken by the U.S. Government to assist black South Africans include:

Resources for labor union and entrepreneurial training;

Scholarships to bring students to universities in the United States and in African countries;

Opportunities for journalists, community leaders, university students, and others to visit the United States for the purpose of professional development;

Resources to improve education within South Africa;

Support to legal advice centers and other agencies addressing the needs of apartheid's victims;

Startup financing for community-based projects that encourage community development and improved economic standing; and

Aid to South African refugees through international organizations.

These resources have been channeled through a number of private and public entities, including the U.S. Agency for International Development, the U.S. Information Agency, and the U.S. Department of Commerce. Many of these programs represent what might be termed model programs for aiding black South Africans. My amendment would strengthen these and other worthwhile programs.

I am certain that my colleagues followed with great interest, as I did, the recent visit to South Africa by AFL-CIO chief Lane Kirkland. And while I may disagree with Lane over whether we ought to impose economic and other punitive sanctions against the government and people of South Africa, we completely agree on the need for a greater American role in providing assistance to apartheid's needy victims.

While discussing trade unions, Mr. President, my amendment calls for up to \$3 million of the funds authorized in this act to be provided for training programs for South Africa's trade

unionists. Many of my colleagues are aware that some of the best work being done with blacks in South Africa today is that which is being performed under the auspices of Lane Kirkland's AFL-CIO African-American Labor Center. Certainly, programs such as this deserve greater support from the U.S. Government.

Finally, Mr. President, let me offer a few comments on the present situation in South Africa and Americans' response to events there.

The people of this great Nation are normally slow to anger. We are by nature a peaceful people. But when we sense an injustice, we respond. I need not remind my colleagues that Americans' response to apartheid has been loud and clear: They reject it, they are revolted by it, they demand that it end—immediately. Of course, their response is justified.

But I am convinced that Americans want more from this body than rejection, more than revulsion. The American people want to see this distinguished body take necessary steps to help the blacks in South Africa to help themselves; to present viable, effective alternatives to bloodshed and violence; to offer aid where it can do some good.

And that, Mr. President and my colleagues, is what my amendment seeks to accomplish. By bolstering those elements in South Africa today which seek both an end to apartheid and a peaceful transition to a government wherein all South Africans—black, white, coloureds, Indians, and others—are represented, we increase the likelihood that tomorrow the vision of blacks and others in South Africa for a peaceful, democratic society will become reality.

In an era of trillion dollar Federal budgets, and defense budgets of almost \$300 billion, the \$40 million for assistance to disadvantaged South Africans contained in my amendment is a relatively insignificant sum of money. But, in this instance, \$40 million can go a long way. I ask my colleagues simply, aren't the people and future of South Africa worth it?

Mr. President, I ask unanimous consent that documentation with regard to apartheid be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Aug. 3, 1986]

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and

disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning, I received a call from the New York correspondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South Africa Parliament, I had warned that unless the government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorrent practices—such as detention without trial and the forced removal of helpless black communities . . . South Africa would be faced with severe punitive measures. My warning fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenes of ugly police brutality of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad, proclaimed the rising death rate, the enormous number of people detained without trial, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing business in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand the hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according to the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Marga-

ret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Person Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the Commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusaka, Gaborone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged, and its final report made this clear. Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country, during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became "independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It made property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the mobility of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africans—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil-rights struggle of the 1960's.)

This response—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected: that the failure of the West to define precisely what it means by “dismantling apartheid” is part of a ploy to move the goal posts as each demand is met: ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

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. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long, drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of “constructive engagement” may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release of anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American

companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in “sheltered” employment and will lose nothing; those who want everyone to lose everything (therefore, “roll on the revolution”), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take “weeks rather than months” to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South Africa transport and ports for their imports and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about \$400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africa, not to mention an estimated one million “illegals.” The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

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. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients,

unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Province, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a long-term strategy and blacks, especially young blacks, want liberation now. No one should underestimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government in South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of an oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative government with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Member of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many more white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three years' time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least, it is surely not too much to ask that they be spared the violence and misery of a scorched-earth policy.

It is not all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and education and, most important, to extend political rights to blacks.

The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share.

KWAZULU, MINISTRY OF THE
CHIEF MINISTER, ECONOMIC AFFAIRS AND POLICE,

July 29, 1986.

The Honourable RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate Foreign Relations Committee and The Senate begin to consider legislation which would impose punitive economic sanctions on the Republic of South Africa, permit me to express to you my deep concern about this development.

I am grateful that the United States Congress has so eloquently and forcefully called upon the Government of South Africa to end its tyrannical state of emergency and begin the dismantling of apartheid. These expressions of solidarity are important reminders that the American people care deeply about the plight of South Africa. However, I believe that the imposition of punitive economic sanctions against South Africa will not hasten the day when all South Africans can live in freedom and dignity. Such sanctions will only further destabilize an already deteriorating economy, without producing the desired effect on the apartheid regime. My people cannot afford to commit themselves to a course of action which brings further hardship to their lives, when what they need most importantly is a robust economy which can produce the jobs and stability necessary to facilitate peaceful change.

While I understand the frustrations of many who support economic sanctions, and share their aspirations and ideals, I believe that there are alternative measures which should be considered first. Let us not embark upon an irrevocable course of action which harms Blacks first and Whites only marginally. In the end, the apartheid regime must go, and what is placed in its stead will only have any chance of success if the economy of South Africa is able to function.

I am grateful for your consideration of my views, and wish to express to you my deep appreciation for your wisdom and leadership on this important issue.

With my warm regards,

Very truly yours,

MANGOSUTHU G. BUTHELEZI,

Chief Minister: Kwazulu and
President of Inkatha.

[From the Washington Times, August 6,
1986]

CHIEF MANGOSUTHU "GATSHA" BUTHELEZI ON
SANCTIONS FOR SOUTH AFRICA

Chief Mangosuthu "Gatsha" Buthelezi, chief minister of the self-ruling Kingdom of KwaZulu, is the most powerful active black leader in South Africa politics. He has the

allegiance of 6 million Zulus, the biggest black population group in the country, and his Inkatha political organization numbers 1.3 million paid-up members.

Although on friendly personal terms with jailed African National Congress (ANC) leader Nelson Mandela, with whom he corresponds regularly, Mr. Buthelezi is hated by the communist element in the outlawed ANC, which sees his political strength as an obstacle to its plan to gain total power in South Africa.

In the following exclusive interview with Peter Youngusband of the Washington Times in Ulundi, South Africa, Mr. Buthelezi discusses South Africa's political future, his differences with the ANC, and gives his views on the sanctions campaign against South Africa:

QUESTIONS AND ANSWERS

Q: How do you view the campaign for economic sanctions against South Africa?

A: With extreme regret and concern. I am passionately opposed to apartheid, and I have been fighting it most of my life. But it is madness that in order to kill a snake in the house, one should burn down the house. That really doesn't make sense. The economy is the engine which alone can generate the wealth which will be needed by any government which will be running South Africa in another generation or two from now. The South African economy does not belong to just the whites. The economy of South Africa belongs to all the people of South Africa. Whites and blacks have developed it together. It is an extremely misguided view to destroy the economy of South Africa under the misapprehension that one is punishing white racists.

Q: Then why are other black leaders urging the international community to apply sanctions?

A: The international community must take note of the fact that most black leaders and black organizations which advocate the implementation of disinvestment and sanctions also support violence as the strategy for change. They also reject the free enterprise system and they do not therefore only support disinvestment and sanctions because they want pressure exerted on Pretoria. They have agendas of their own. Their aim is to destroy the economy because it is based on the free enterprise system which they reject. There are people who want the economy destroyed because they want a clean slate on which to write a socialist or Marxist future for all of us.

Q: What alternative ways are there for the international community to pressure the South African government into a faster pace of reform if not by sanctions?

A: While I, as much as anyone, appreciate and feel the need for urgency in achieving the end of apartheid in South Africa, which I have fought against for over 30 years of my life, the complexity of the situation simply requires more time than most of the external forces and others inside South Africa are prepared to allow. I see grave dangers in being oversimplistic about this situation.

This is not Rhodesia, a colony, where the international community had to deal with only 200,000 whites, many of whom were, in any case, expatriates. Here you have more than 5 million recalcitrant whites who are not expatriates, but who have become indigenous to South Africa, after most of their families have been in South Africa for 300 years.

I know that any effort to resolve the South African problem peacefully is imme-

diately described as proof that those who do so are bedfellows of the apartheid regime, and fellow travelers of the racist oppressors. It is largely because of this that I respect the courageous stand taken by President Reagan and by the British prime minister, Mrs. Thatcher, and Chancellor Helmut Kohl of West Germany. For the fact is that in the best interests of all, we have to seek a peaceful solution with Pretoria.

Q: How?

A: Firstly, by having the common sense to see that the South African government can ride out this situation. They know they have the capacity to survive any economic or revolutionary onslaught for years to come. They are superb strategists in the art of gambling for time. Look how they have strung the world along in the case of Namibia. They know that in the long term all sorts of things may happen to alter the configuration of forces—a new war in the Middle East, an international banking crisis, a world epidemic of AIDS, or whatever.

Secondly, by working for a reconciliation between the races right now. This is why, while certain other organizations and personalities are involved in throwing bombs and shooting people and calling for sanctions, we in Inkatha are involved in debate at the Durban Indaba, seeking a constitutional formula, free of racism, which we hope to share with our fellow white citizens in our corner of South Africa and which we hope might prove its worth as a model for a constitution for the whole of South Africa.

Q: The Indaba is discussing a federal-style formula for the Kwazulu-Natal region. Does this mean you favor a federal system for South Africa?

A: Although Inkatha is committed to one-man, one-vote in a unitary state, I have often said publicly that we are prepared to consider other options. If a federal system would suit South Africa better, we would go for it. It works well and democratically in many parts of the world. It works well in the United States, the greatest democracy of all.

Q: President Botha has invited you, among other black leaders, to join his National Statutory Council (NSC) to discuss such options, but you have refused. Is there any chance of your changing your mind?

A: The NSC cannot be faulted insofar as it has been set up as a forum where South Africans can seek a solution to their political future. But the president has allocated to himself the right to decide who should sit on it and who should not. I would find it difficult to join until such clauses are removed. Above all, I wouldn't touch the thing with a barge pole so long as [ANC leader] Nelson Mandela remains in prison. I could not sit on that council until Nelson is released. There is no way I am prepared to negotiate South Africa's future behind the backs of other black leaders.

Q: Do you think President Botha's condition for the release of Nelson Mandela—that he first renounces violence—is unreasonable?

A: It may seem unreasonable. But both men are in a difficult situation. Botha needs the pledge of non-violence, because his people will hold him responsible for whatever happens if Mandela is released, and Botha fears that if it results in a sort of Ayatollah situation, it will be the end of his government. He is also haunted by the fear of having to jail Mandela again if he leads a campaign of violence—because that could also lead to an uprising.

There is also worry that if Mandela gets assassinated once out of prison, the crime will be laid at the door of the government, no matter who does it. So they are really caught over a barrel on the whole issue, although personally I feel they are creating an Ayatollah-like situation by keeping him in prison.

On Mandela's side it is difficult for him to renounce violence if his colleagues in Lusaka don't agree, as that would mean repudiating them. And the ANC, fully aware of Mandela's propaganda value to them in jail, have no intention of helping to break the deadlock. They are, in any event, committed to violence.

Q: What would you do if you were in President Botha's position?

A: I would simply set Nelson Mandela free and tell him, "Look, old man, if you do it again, we will have to put you back inside."

Q: But would not that sort of release pose the very risks Mr. Botha fears?

A: I don't think so. I think his release would cause a hullabaloo for a few days and it would soon die down. And then we would be able to get down to the business of negotiations. Whereas right now we are totally logjammed and running into all this sanctions nonsense. I cannot now see Nelson being released until this government feels secure about the outcome. Last year, when Nelson had his operation, I wrote President Botha and told him that it was a good opportunity to release him on medical grounds. Mr. Botha wrote back saying that Mandela was really not as sick as I seemed to think. He appeared to have missed the point completely.

Q: The ANC is extremely hostile towards you. Can you explain this?

A: Yes. I am on good terms with Nelson Mandela. We correspond and exchange messages. But elements in the ANC—especially the communist elements—are anxious about the growing power of Inkatha. They now see our strong regional base and our expanding political power as a threat to their goal of achieving total power in South Africa as a unitary state. It is as simple as that.

Q: How would you describe the essential differences between the ANC's objectives for South Africa and your own?

A: They argue very fiercely that South Africa's economy must be destroyed and brought under the control of a future government by nationalizing major undertakings.

They want to overthrow the government and seize power by violence. They say the time for talking, for national conventions and forums is past and that all that matters now is the transition of power to themselves, and it does not matter how this is achieved, so long as it is achieved.

I argue that whether we like it or not, the free enterprise system is the most efficient system mankind has devised with which to translate the kind of wealth with which South Africa is blessed into benefits for the people. I want a democratic system of government. I reject violence. Look at the rest of Africa where violence has been used as an instrument of change. It has become a way of life in those countries.

Quite apart from that, speaking pragmatically and purely from a logistical viewpoint, how can violence work here? The present rulers have awesome power, of which they have used a mere fraction to date. They have not yet begun to fight in the true meaning of the word. How then can violence succeed in gaining power?

Apart from this, I have never been opposed to the ANC. We both want freedom from apartheid and the black man's rightful share of power in his own land. We simply have different ways of striving toward that goal.

Q: Does this mean Inkatha and the ANC are on a collision course?

A: I hope not. I hope that in a national forum and through reasonable discussion we can work together. For one thing is certain, in the long run the ANC can achieve nothing without Inkatha, and Inkatha can achieve nothing without the ANC.

Q: How will these tensions affect your relations with Mandela ultimately?

A: I cannot really say until he is released. Hopefully, we will have good relations with him, even though some people are attempting to drive us apart from each other. For the present we regard him as our martyr. He is the martyr of all blacks in South Africa for what he has suffered. I have every belief that when he is released, many of my own people will be there to cheer him.

This does not mean that I automatically place him as the leader of all of black South Africa. It is just that he is our martyr because he has paid that price.

Q: Do you agree that the pace of reform in South Africa has been too slow?

A: Yes. I would like to see the Group Areas Act and the Race Classification Act abolished. This would make whatever discussions we might have with the government in the future extremely easier. We would then be able to say that the back of apartheid was definitely broken.

Q: To what extent do you feel the international community can put pressure on South Africa to help achieve this?

A: I believe the international community has a moral obligation to help blacks here to free themselves from political injustice and to uplift themselves socially and economically. But I cannot see how this can be done further than by diplomatic pressure, social programs, monetary aid by multinational corporations and by example. If you create precedents by going beyond that, where will it all end, not only for South Africa but for all nations?

What we want here is economic, educational and moral support in fighting our own battle. More than that we should not expect. South Africa is a sovereign state and is internationally recognized as such. It sits in the United Nations. It is entitled to be treated as a sovereign state.

Q: There are some black leaders who say that the black community at large is prepared to suffer, and to endure that chaos and destruction of the economy that might occur under economic sanctions applied to destroy apartheid.

A: I know it. And I am amazed. When I addressed about 100,000 blacks in a football stadium in Durban recently to launch—and mark this—a new trade union, they roared a gigantic "no" when I asked them if they wanted sanctions and disinvestment. I got the same reply when I spoke to a rally of 40,000 blacks in Soweto. So I don't know where these people are who say they are prepared to suffer.

What I do know is that there is a campaign of trumped-up opinion surveys going on at present, and which are being presented as proof of this willingness to suffer. They are being organized by people who hope to benefit by the bitter fruits of this suffering. Black anger is our national asset at this present time. But the way in which much of it is being exploited appalls me.

[From the Sunday Times (London, England), Aug. 3, 1986]

POLL SHOWS SOUTH AFRICAN BLACKS OPPOSE SANCTIONS

(By Peter Godwin)

More blacks in South Africa oppose economic sanctions against their country than support them, according to a poll carried out for The Sunday Times. The poll reveals that 32% of South African blacks oppose sanctions while 29% are in favour of them. The rest have never heard of, or have no opinion about, sanctions.

This finding is likely to give comfort to Mrs. Thatcher ahead of the Commonwealth mini-summit on South Africa, which starts in London this afternoon. The prime minister has argued that sanctions would be immoral because they would cause hardship among blacks. But until now the proponents of sanctions have countered that most blacks in South Africa are in favour of sanctions.

Some of the other results of the poll, which was carried out in the past three weeks specially for The Sunday Times by Market & Opinion Research International and the South African company, Markinor, are more embarrassing for Thatcher. The poll shows that most blacks do not regard Britain as their friend. A third of all blacks believe that the British government actually supports apartheid; only 24% of blacks think that it opposes the racist system.

A year ago The Sunday Times commissioned a poll of blacks in South Africa urban areas and found that a clear majority favored sanctions. But nobody has ever before polled the more conservative blacks who live in the countryside and account for 56% of all blacks, on this issue. For the past three weeks black pollsters have been travelling through some of the remotest parts of the country and the black townships to obtain a fully representative sample.

In the urban areas, support for sanctions is still strong; 47% of blacks there favour sanctions and only 29% are against them. But in the countryside, the picture is reversed. There 34% of blacks are against sanctions and only 22% are in favour. As a result, the poll suggests that a narrow majority of all blacks in South Africa oppose sanctions.

We investigated how far blacks understood what sanctions meant. We found that 36% of those polled had never heard of economic sanctions against South Africa. But even after eliminating answers from blacks who did not understand the meaning of the phrase, 51% were opposed to sanctions against 46% in favour.

In general, urban blacks are much more informed about politics than their rural counterparts. But whereas 62% of urban blacks who had heard of sanctions were in favour of them, 58% of informed rural blacks were opposed. Rural blacks are in general poorer than those who live in the townships, and our poll found that slightly more informed rural blacks (76%) expected to be hit personally by sanctions than did informed urban blacks (69%).

Most blacks think that they would suffer if sanctions were imposed: 44% thought they would be hurt personally, against only 17% who thought they would not be hurt.

Whites continue to be overwhelmingly against economic sanctions: 92% oppose them. But, despite defiant statements from the South African government, there is a growing realisation by most whites of the damage sanctions would cause them. Now

63% of whites acknowledge that sanctions would harm them personally, 9% more than last year.

Our poll suggests that the chorus of world disapproval may be having some impact on white views. The poll shows a 17% increase in the number of whites who favour the release of Nelson Mandela, the imprisoned black leader. 56% of the sample of 500 whites polled now want Mandela released, either unconditionally or if he renounces violence.

This is bound to give President P W Botha more room for manoeuvre as he considers Mandela's release, which is top of the list of Western demands to be met if South Africa is to avoid further sanctions.

Our poll suggests that, so far, Botha has little to fear from white extremists. A striking 62% of whites think that he is the best president for South Africa. The leaders of the far right, Andries Treurnicht and Eugene Terreblanche, scored just 3% and 4% respectively. The most popular politician among whites after Botha was the moderate black leader, Chief Gatsha Buthelezi, who scored 12%.

The poll also found that 45% of whites are now unhappy with apartheid, against 33% in last year's poll. Some of those who say they are unhappy may feel that the system should be even harsher in dealing with blacks.

BLACKS SAY NO TO VIOLENCE

(By Peter Godwin)

Most blacks in South Africa opposed violence, according to a poll carried out for The Sunday Times in the past month, despite their strong opposition to apartheid. Our poll found that nearly two thirds of blacks think violence is not justified to change apartheid, even though 88% are fairly or very unhappy with the racial system.

Even among blacks in urban areas, where most of the violence has taken place in the past 18 months, there is still a clear majority against violence, with 43% of blacks there saying that violence is justified and 55% saying it is not.

Despite the present level of violence, more blacks (50%) expect to see a peaceful solution to South Africa's problems rather than a plunge into civil war. But the urban blacks, who have witnessed most of the violence, take a much more pessimistic view than blacks who live in the countryside: some 63% of urban blacks think there will be a civil war.

The Sunday Times poll is the first country-wide survey of blacks in South Africa. Previous polls (including a survey carried out for this newspaper last August) have been limited to urban blacks because of the practical difficulties of polling in the countryside. Although our poll reveals that rural blacks are less militant than the urban blacks, it also shows that they are far more ignorant of what is happening.

When asked to name the president of South Africa, 34% of rural blacks did not know the answer (compared with only 7% of urban blacks). In reply to our question "Have you heard of the phrase one-man-one-vote?" more than half the rural blacks polled had no idea what it meant.

Indeed, 41% of them have not heard of the state of emergency, 42% of them have not heard about possible economic sanctions against South Africa and 14% have never even heard of Nelson Mandela, the jailed African National Congress leader. Urban

blacks are far better informed on all these issues.

When asked if whites should have any special privileges in a new system of government in South Africa, only 1% of blacks believe they should. But most are happy for whites to stay on in any post-apartheid South Africa. Some 78% of blacks polled believe whites should continue to live in a future South Africa, whatever shape it takes.

By contrast, 53% of whites polled think that special white voting privileges are a good idea, with only 30% believing in equal voting rights for all races.

Black support for Mandela remains overwhelming despite his continued imprisonment. Over the last year, his support in urban areas has grown from 49% to 64%. Nationwide, Mandela has almost three times the support of the Zulu chief, Gatsha Buthelezi. Mandela is even the favourite for president among rural blacks. Buthelezi's popularity in urban areas is tiny by contrast. In the main cities he attracts only 5% of votes.

South Africa's controversial state of emergency is strongly disliked by most blacks: 59% hate it. But in urban areas where it has most effect, that figure rises to 90%.

Rural blacks have only a vague understanding of the emergency and 41% of them are unaware that it even exists. Whites, on the whole, however, heartily endorse it: 81% of whites think the state of emergency is "a good thing" and only 15% dislike it.

In white eyes, the president, P W Botha, is still the man they most want to lead them. Although his lead has dropped off fallen very marginally since a year ago, at 62% he still has no serious challenger. The far right, represented by Eugene Terreblanche and Andries Treurnicht, attract only 7% support between them.

Indeed, Buthelezi has almost twice as many white supporters as the white right-wing. After Botha himself, Buthelezi is apparently the great white hope. His white support has grown from 4% last year to 12% now.

On the crucial question of white willingness to accept eventual black rule in a democratic South Africa, the chasm remains as wide as ever with no evidence of the "leap of imagination" that Sir Geoffrey Howe, the foreign secretary, said last week was desperately needed from South African whites.

When given the choice between living under black rule or breaking away into a "white homeland" in some sort of federation, 50% choose the latter. Only 15% are prepared to consider life under a black president.

But when asked what they thought *would* happen, the percentage of whites who believe in a white homeland drops to 34% and those believing that they will end up under black rule rises to 30%. The poll also found that 72% of whites, a rise of 9% since last year, now believe that the apartheid system will not exist in a decade.

White South Africans, who have been largely unaffected by township violence, are still comparatively optimistic: 55% believe the country's problems can be solved peacefully, but a third expect a civil war. And the whites are marginally more gloomy about this than they were a year ago.

The number of whites intending to emigrate from South Africa remains constant, with 12% either very or fairly likely to leave within 10 years, a similar figure to that in last year's poll of whites. Obviously, some of those polled last year who said they intend-

ed to leave may now have done so. But 76% of whites polled, including nearly all Afrikaners show no intention of leaving.

The poll was carried out for the The Sunday Times by Market & Opinion Research International (MORI) and the South African company, Markinor, last month. The most difficult part of the operation was interviewing blacks in remote rural areas.

Interviewers had to travel to a sampling point drawn up on map, then walk to the nearest village or cluster of huts. Because of these difficulties, the polling took 10 days to complete.

A representative sample of 615 blacks was interviewed between July 18-27 at 123 points throughout the country, covering urban areas and homelands, with the exception of the Transkei, where polling results were seized by the police.

Data was weighted to reflect the latest population estimates by age and language.

Two hundred blacks were interviewed in the main metropolitan areas of Johannesburg, the Reef and Pretoria. They are directly comparable with the sample of 400 blacks interviewed for our poll in August 1985.

A representative sample of 500 whites were interviewed by telephone on July 26 and 27 in 100 sampling points.

[From the Wall Street Journal, Aug. 8, 1986]

SANCTIONS: THE MORAL ISSUE

"I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it."

So Helen Suzman—who for 30 years has courageously opposed apartheid from within the South African parliament—summed up an interview on her reaction the morning after Ronald Reagan's landslide victory in the last U.S. presidential election. She writes in the New York Times Magazine to support Ronald Reagan and Margaret Thatcher in their effort to avoid sanctions calculated to wreck the South African economy.

Mrs. Suzman pleads on behalf of "millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to nonracial democracy." She asks that "they be spared the violence and misery of a scorched-earth policy."

Clear eyed in the face of impending tragedy, Mrs. Suzman understands the momentum toward precisely such a policy. The Afrikaner-dominated government erected a truly ugly political system, and the Western press increasingly covered its injustices and repressions. The response in the U.S. was one part a desire of the Democrats to find an issue, and one part a desire to distance America from South Africa and punish it. "By mid-1985, the South African issue had been reduced to a simple equation in the United States: 'If you are against sanctions and divestment, you must be a racist—Q.E.D.' " So business is pulling out, punitive sanctions may by now be unstoppable, and the South African economy is already in decline.

But of course, it will not be Americans who pay the price of this. It will be South Africans, many of them black, who stand to lose their jobs with Xerox or IBM. It will be the most progressive employers who leave.

It will be the more liberal English business community, not the more strident Afrikaner farmers, who will suffer the business losses. It will be blacks who lose their jobs in the gold fields; indeed, immigrants from black African nations to South Africa will be sent back from what they saw as opportunity.

Nor will this suddenly topple the present regime. The government will retreat into the laager, and it is by no means without resources to defend itself. As pressure has displaced "constructive engagement" it has reversed its inching movement toward reform and resorted to greater repression. And already we are seeing that in a war of economic sanctions, it can outgun its black neighbors. (The frontline states no doubt expect that the economic damage they suffer will be made good by the U.S., which will be the first sour joke.)

Beyond this lies a spiral of repression, reaction and violence. An outright assault might or might not topple the government—but certainly not except after years of fighting and millions of deaths. And if it did fall it would leave wreckage to be inherited, and there is by no means a guarantee its successor would be a freedom-loving democracy.

Mrs. Suzman and other South African foes of apartheid look these prospects squarely in the face. But American proponents of sanctions are oblivious to the probable on-the-ground outcome of the policies they advocate. At best, they wave fatuous public-opinion polls purporting to show South African blacks are ready to pay the price; for whatever it's worth, a London Sunday Times poll just found that almost two-thirds of the blacks think violence is not justified despite their abhorrence of apartheid. Only 29% support sanctions, while 32% oppose them.

Now, we would be the last to claim we have an answer for the agonies of South Africa. We certainly think the best hope lies in trying to buttress the moderates, white and black—in particular the business community and the Zulus led by Chief Mangosuthu Buthelezi. The trend currently is in the opposite direction, to wreck business, to depict moderate blacks as Uncle Toms to apartheid, and to accept even white communists as the authentic spokesmen for the true blacks. All this is the name of morality.

Even if the trend toward sanctions were reversed, of course, there might in the end be no peaceful way to displace the current government with something better. It may well be that South Africa like Lebanon, is an impossible tinderbox. But if so, we would still prefer not to be the one who strikes the match. If millions ultimately must die, better that they should first live a few more years. If there is going to be an explosion, we want to be on the side that worked to make it come later, not sooner.

Sanctions, we hear, are a moral issue. You bet. The issue is the morality of striking political and moral postures from the safety of Capitol Hill and Georgetown, at the risk of other people's lives and livelihoods.

[From the Washington Times, Aug. 6, 1986]

LOOKING "RIGHT" ON SANCTIONS

(By Smith Hempstone)

There is not much point in talking to congressmen facing elections about sea routes, strategic minerals, or Communist influence within the African National Congress. On South Africa, Congress does not want to be confused by the facts.

Indeed, the coming congressional imposition of sanctions against Pretoria has nothing to do with rationality and a great deal to

do with politics. Everybody wants to be on the "right" side of this issue.

For Democrats, it is a perfect opportunity to punish President Ronald Reagan for hornswoogling Congress into passing his \$100 million aid package for the Nicaraguan "contras." For Republicans facing the voters in the fall, it is a chance to appease the young, black pressure-groups and activists.

No congressman of either party is going to commit political suicide to preserve American access to vanadium. Indeed, the lemming-like rush of politicians who wouldn't know Shaka from Smuts to vote for sanctions would be ludicrous if the well-being and lives of millions of people were at stake.

An alliance of feel-gooders, hypocrites, liberals, blacks, and opportunists is almost unbeatable, and a presidential veto of sanctions—if there is one—probably will be overridden.

Where will we be then?

To the astonishment of at least some, President P.W. Botha's government will neither fall nor mend its ways. If anything, the pace of reform, already under fierce attack from white ultraconservatives, will be slowed. The number of blacks detained—now in excess of 10,000—will increase.

Sanctions, while they will not bring South Africa to its knees, will have enough bite to reduce the republic's development rate to zero (its real gross domestic product dipped 1 percent, to \$32 billion, in 1985). Hundreds of thousands of the 1.5 million foreign blacks, whose families are totally dependent on their remittances, will be sent home to Lesotho, Swaziland, Botswana, Zambia, Malawi, and Mozambique.

The misery in South Africa's black townships will be matched by despair and political instability in those neighboring nations.

The African National Congress will not mind this; indeed, it will welcome it. For the Marxists who dominate the ANC know that misery and despair are their allies. What they cannot abide is the prospect of racial reconciliation and a political dispensation that might bring black moderates to power.

The notion that the white regime can be forced to yield political power at gunpoint is ludicrous. South Africa produces its own howitzers, missile systems, and helicopters, and probably has primitive nuclear weapons. It can put 400,000 men in uniform, most of whom have had some combat experience in Namibia, Angola, or Zimbabwe (Rhodesia). The South African defense forces—which lost only 104 men in action or training last year—have demonstrated time and again that they can strike with impunity hundreds of miles from their own frontiers.

Almost every white male adult has a gun and knows how to use it. As of the end of last year, more than 1 million civilians—the white population is 4.4 million—were licensed to possess firearms. In 1985, 135,382 new applications were approved. A big shoot-out is just what some white extremists would like.

Given the cries of outrage from the likes of Democratic Sen. Joseph R. Biden, Jr. of Delaware, one would think apartheid was a new policy of repression enunciated yesterday by Mr. Botha. One wonders where Mr. Biden has been for the past 38 years, during which time the ruling National Party has slowly erected this indefensible edifice, itself nothing more than a legal codification of the mishmash of old British-imposed pass laws, social practices, and industrial policies.

But just as apartheid was not created in a day, neither can it be dismantled overnight.

And the Botha regime, inadequate as its reforms may seem in black or American eyes, has done more to liberalize South Africa's social, political, and economic structure than all other South African regimes combined.

The Afrikaners, the politically dominant group among South Africa's whites—60 percent of them—have seen other white settler communities, from Algeria to Zimbabwe, overwhelmed by a tide of indigenous nationalism. The Afrikaner people have been in Africa for 300 years, have no place else to go, and have not the slightest intention of handing over power to a bunch of thugs.

There will be evolutionary change in South Africa, if only because apartheid, like any other rigid system of government, does not work very well. But if there is revolution—and the U.S. Congress seems intent on producing revolution—it will be defeated, at the cost of much human suffering, particularly among blacks.

South Africa, like the Holy Land—and for many of the same reasons—is a deeply troubled place. Whites and blacks alike posit claims that are mutually exclusionary and equally unfair. But they—the people of South Africa of all races—are the only ones capable of producing a solution, if there is one, to their dilemma.

If we cannot help, which is what Mr. Reagan has been trying to do with his policy of constructive engagement, we ought to have the decency not to throw gasoline on a smoldering fire.

They, not we, will be the ones burned in the conflagration.

[From Insight Aug. 18, 1986]

DANCING TO THE ANTIAPARTHEID BEAT

(By Woody West)

A frenzy against apartheid makes many Americans feel exceedingly righteous. But the drastic U.S. policies they espouse toward South Africa are not going to further the cause of justice in that nation or move the tormented country toward multiracialism. It is folly to try to fashion the inherent morality of U.S. foreign policy into a bludgeon.

A club of such facile antiapartheid moralism was aimed at Secretary of State George P. Shultz as he testified before a Senate committee after President Reagan's nationwide speech on South Africa. Sen. Joseph R. Biden, Jr., a Delaware Democrat, put on a display of moral indignation that would shock an apprentice snake-oil peddler.

"I hate to hear an administration and a secretary of state refusing to act on a morally abhorrent point," Biden fumed in the glare of the television cameras. "I'm ashamed that's our policy. . . . I'm ashamed at the lack of moral backbone to this policy." Well, we are ashamed of a U.S. senator who would resort to such demagogic posturing.

That was part of the congressional minuet over South Africa; of course. The House of Representatives has passed an immensely stringent sanctions bill. It is likely that the Senate will cobble together some sort of sanctions, and Congress then will toss the primed grenade to President Reagan. The administration may have to acquiesce. And it must be said that the Reagan administration has not shown great tactical skill as the South African matter has accelerated to as much or more of a domestic as a foreign policy issue.

That being said, however—and as reluctant as one is to use the term "constructive engagement"—any longer—the president's

approach to South Africa has not been unintelligent. What has impeded the effectiveness of that policy is the way apartheid has caught fire in this country as a visceral issue. Does anyone of sensibility, in public life or private, defend South Africa's harsh racial separatism? Does anyone of perspective not recognize the horrendous implications of what is happening in Southern Africa?

Yet, on the campuses, among the intellectuals of the left and the politicians who shelter beneath the liberal tent, passionately establishing one's bona fides as a foe of Pretoria (which is very far away) has become requisite. To suggest that Reagan has not done a bad job in nudging the South Africans toward dismantling apartheid is to risk being characterized as racist.

The antiapartheid script conveniently ignores a number of points. First, those red-hot for sanctions overestimate the influence this country has in dramatically bringing change to South Africa. The United States does not exercise authority over that unusually independent and tenacious regime, and it is inordinately arrogant to assume that we do. Second, sanctions are largely a gesture: They can be substantially evaded. More, they could lead the government in Pretoria a) to cause vast harm to the nations that share Southern Africa or b) to manipulate those states, with the happy connivance of corrupt politicians, as entrepôts to capital imports.

Imposition of broad sanctions also could heighten the likelihood of devastating violence, and make no mistake, there are those who are yearning for revolution there. The banned African National Congress is not communist-dominated. But there are significant numbers of communists throughout the ANC leadership. A casual reader of history will not be in suspense about what would happen as the communists, the liberals and the black nationalists sorted themselves out should the white government be overthrown.

It is simply false that the Botha government has not ameliorated apartheid in the past few years. It has ended the despised pass laws, is restoring citizenship to some 2 million blacks who technically lost it under the "homelands" program, is ending de jure segregation laws in a variety of social contexts and, among the most critical steps, is legalizing black and racially mixed trade unions. (In fact, a robust capitalism was already demolishing apartheid and is apartheid's most lethal opponent.)

There remains much of apartheid's brutal structure, not least the Group Areas Act, restricting where blacks may live, and property rights and voting. But apartheid is dead, State President P.W. Botha told INSIGHT Editor-in-Chief Arnaud de Borchgrave earlier this year. But the eradication of that system is generational, he added.

He is probably right. It is probably right also, however, that internal and external pressures are rapidly shrinking the time to accomplish orderly change. The question Americans must answer is this: Do we serve the best interests of our country, of South African blacks or that continent by demanding that South Africa totally dismantle apartheid by the day after tomorrow by imposing a standard of one-man, one-vote where it can be a fuse to racial, political and economic conflagration?

The United States is able and obligated to maintain a persistent and modulated influence on that stubborn government to continue the imperative change in South

Africa. We cannot decree those changes—and if we continue to dance a frantic moral jig, we can make the situation far worse.

U.S. ASSISTANCE: WORKING FOR POSITIVE CHANGE IN SOUTH AFRICA

Americans are deeply concerned that apartheid end in South Africa. Sharing that concern, the Administration has sought to apply U.S. influence to bring about constructive change in South Africa as rapidly as possible.

Consistent with this effort, Congress and the executive branch have worked together over the past several years to develop U.S. assistance programs to help prepare those disadvantaged by apartheid for leadership roles in a future South Africa governed by the consent of all. The U.S. Government works directly with private voluntary organizations, local groups, and individuals in South Africa in this effort.

The following report provides an overview of both continuing and new U.S.-funded activities and documents the extent and variety of these efforts on behalf of change in South Africa.

Under the Foreign Assistance Act of 1961, as amended, and related legislation, the United States is providing:

Resources for labor union and entrepreneurial training;

Scholarships to bring students to universities in the United States and in African countries;

Opportunities for journalists, community leaders, university students, and others to visit the United States for the purpose of professional development;

Resources to improve education within South Africa;

Support to legal advice centers and other agencies addressing the needs of victims of apartheid;

Startup financing for community-based projects that encourage community development and improved economic standing; and

Aid to South African refugees through international organizations.

These resources are channeled through a number of public and private entities, including the Agency for International Development (AID), the United States Information Agency (USIA), the African-American Institute, the National Endowment for Democracy, the International Committee of the Red Cross, and the U.S. Department of Commerce.

THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Over the next 2 years, the Agency for International Development will provide \$45 million for U.S. assistance to South Africans. In fiscal year (FY) 1986, AID has allocated \$20 million to address needs in the fields of education, labor relations, legal defense, private enterprise, and community development. AID's FY 1986 South Africa program comprises the following:

CONTINUING PROJECTS

The Training for Disadvantaged South Africans Project finances graduate and undergraduate study at U.S. colleges and universities. About 80-100 new students are selected annually and placed in U.S. universities. The project, which began in FY 1982, will continue through FY 1989 at a total cost of \$30 million. In FY 1986, AID plans to commit about \$5 million to this project. AID funds supplement private contributions from U.S. corporations, foundations, universities, and church groups.

The Internal Bursaries Project provides financing for disadvantaged South Africans to attend universities within South Africa. AID plans to provide \$5.5 million for scholarships in FY 1986. During the project's 5-year life, it is expected that more than 800 students will receive scholarships. This project and others planned for FY 1986 will implement the President's commitment of up to \$8 million for scholarships and education programs.

The Human Rights Fund is aimed at promoting political, economic, social, and judicial change in South Africa. In FY 1985 \$1 million was obligated and \$1.5 million is planned for FY 1986. This year roughly \$525,000 of this will be obligated for direct legal and other assistance to political detainees and their families and assistance to black-led community groups resisting apartheid through nonviolent means.

Labor Union Training—Through a grant to the AFL-CIO's African-American Labor Center, AID funds programs to train black South African trade unionists. The project helps existing unions strengthen their collective bargaining procedures and their handling of grievances. This program will receive \$1.5 million from AID in FY 1986.

The Special Self-Help Fund finances small, community-based efforts directed toward increasing the economic and social standing and self-sufficiency of disadvantaged South Africans. In FY 1986 this program has received an allocation of \$275,000. Examples of past self-help projects include:

Funds to enable a community to build additional school classrooms to remedy overcrowding;

Funds to establish Educare centers for child care and teacher training;

Financing for agricultural demonstration projects to encourage improved small-scale production and nutrition awareness in rural areas; and

Funds to urban community centers to provide for youth activities and leadership development.

NEW ACTIVITIES

Community Outreach and Leadership Development.—In response to the emergence of grassroots neighborhood development organizations and leaders, and to help established organizations expand their operations, AID will begin a Community Outreach and Leadership Development Project in FY 1986. It is expected to cost \$10 million over a 5-year period, with an initial obligation this fiscal year of \$2 million and \$3 million next year. Although only two to three recipients will be funded during the first year, other grantees will be included later.

Alternative and Nonformal Education.—AID has proposed a 5-year program of educational support, beginning with \$2 million in FY 1986 and \$3.5 million in FY 1987. These funds will be used to finance direct grants to South African organizations working to develop preparatory materials to help black students gain entrance to universities in South Africa, to train teachers outside the formal system, to develop supplemental materials to assist students at all levels, and to support community efforts to work with students and teachers outside the classroom in a variety of alternative education programs.

Black Business Development Expansion.—Through the Entrepreneurial Training project, AID provided funds to teach entrepreneurial skills to black owners and operators of small businesses. The project is conducted by the National African Federated

Chamber of Commerce. Its program includes the development of four regional training centers and an improved curriculum to assist black entrepreneurs. AID has committed \$3 million to the project.

In addition, AID plans to obligate \$2 million in FY 1986 and \$3.5 million in FY 1987 to assist South African black-owned and black-managed banking institutions to finance credit expansion in the black community. A 5-year project requiring \$12 million is planned. It is anticipated that matching funds will be forthcoming from other U.S. and South African corporate or financial sources.

U.S. INFORMATION AGENCY

USIA intends to obligate more than \$1.7 million in FY 1986 for several exchange programs for South Africans working actively to end apartheid. These programs involve university faculty and students, journalists, labor leaders, and entrepreneurs. Specifically, they consist of:

The International Visitors Program.—USIA will sponsor 70 grantees for month-long visits to the United States in FY 1986, each with a specialized program designed to accommodate individual professional interests. Grantees generally are people who have demonstrated leadership in professional and community roles from all areas of South Africa. This fiscal year about \$436,000 is allocated for this program.

Fullbright Grants.—USIA will fund scholarships for 89 South African students for postgraduate education in the United States beginning in FY 1986; \$750,000 has been set aside for these grants.

American Lecturer Program.—Tripling its previous effort under this program, USIA will place six to eight American university professors in FY 1986 in South African institutions that welcome disadvantaged students. These professors will spend 2-5 months working in South Africa. U.S. funding is budgeted at \$100,000.

The Journalist Training Program.—brings black South African journalists to the United States for 6 months of training in the theory and practice of American journalism through internships with media organizations. USIA will provide funding for 10 journalists to visit the United States in FY 1986 at an expected cost of \$85,870.

Georgetown Law Program.—Georgetown University Law Center is offering a 1-year program leading to a Master of Law degree for five black South African law school graduates, to begin in July 1986. USIA will contribute \$12,000 toward this \$34,400 program.

Pretoria Cultural Center.—A new American Cultural Center has been established in Pretoria.

American Participant Program.—In FY 1986 a total of 21 speakers will visit South Africa to discuss topics related to U.S. foreign policy, the black experience in America, the U.S. labor movement, freedom of the press, government-media relations, and other aspects of the U.S. economy and society.

Teacher Upgrading.—Up to 25 disadvantaged South African teachers will visit the United States to participate in a skillbuilding, English-language workshop at a U.S. institution of higher education. The month-long course will be followed by a 2-week professional/cultural tour of the United States. Additionally, five black secondary teachers and trainers will spend a year studying English-teaching methodology at an American university.

OCA Professional Exchange.—Between 12-15 South African black professionals will spend 35 days in the United States under programs administered by Operation Cross-roads Africa (OCA). These programs are designed to allow exchange of ideas and perspectives with American counterparts working in similar fields.

THE NATIONAL ENDOWMENT FOR DEMOCRACY

The National Endowment for Democracy is a private, nonprofit bipartisan organization, begun by the Congress, which works to strengthen democratic institutions throughout the world. A recent congressional resolution that calls for the National Endowment to receive funds for programs promoting democracy and seeking to end apartheid policies in South Africa has prompted consideration of additional U.S. Government monies for this institution. The government already has allocated \$17 million for the Endowment in FY 1986. Examples of grants for South Africans in FY 1985 include \$25,000 for the South African-based Black Lawyers' Association and \$15,000 for Project South Africa, an A. Philip Randolph Foundation project designed to link needs in South Africa with resources in the United States.

THE STATE DEPARTMENT'S BUREAU FOR REFUGEE PROGRAMS

Refugee Scholarships Through the African-American Institute and the Phelps Stokes Fund.—U.S. funds are made available through the Bureau for Refugee Programs for scholarships to refugees from South Africa and Namibia for undergraduate training in the United States and in African countries. More than \$2 million will go toward this program, administered by the African-American Institute and the Phelps Stokes Fund, in FY 1986.

International Committee of the Red Cross (ICRC) traditionally has received roughly 25% of its Africa budget from the Bureau for Refugee Programs. The ICRC maintains substantial operations in South Africa, estimated at \$4 million in FY 1986. Under its international protection mandate, ICRC delegates visit detained persons and provide basic supplies to needy families of the detained. The ICRC also works with the South Africa Red Cross Society in assisting people in troubled areas in the country with first aid and first aid training, ambulance services, and human rights seminars.

UN High Commissioner for Refugees (UNHCR).—The Bureau for Refugee Programs traditionally provides approximately 30% of the UNHCR Africa budget. In calendar year 1986, the UNHCR has budgeted more than \$3 million for programs for South African refugees in Angola, Botswana, Swaziland, Lesotho, Mozambique, Tanzania, Zimbabwe, and Zambia. UNHCR assists these refugees with meeting costs of local integration and education as well as with third-country resettlement.

U.S. DEPARTMENT OF COMMERCE

The Department of Commerce is sponsoring several activities over the next few months to promote black business in South Africa.

Matchmaker Fair.—The American Chamber of Commerce in South Africa and the Soweto Chamber of Commerce cosponsored a fair in Johannesburg in April 1986. This event was designed to match the goods and services available from black-owned firms with the needs of American and other companies operating in South Africa. Some 50 black South African businesses participated.

Directory of Black Business Firms.—A directory listing South African black-owned business firms has been made available to U.S. companies to encourage patronage of these firms. The U.S. Embassy assisted the Urban Foundation in preparing the directory.

Business Services Mission.—In concert with the Department of State, the Department of Commerce will invite U.S. firms to participate in an investment mission to South Africa with the specific purpose of creating new partnerships between U.S. businesses and black-owned businesses in South Africa. The mission is scheduled for mid-1986. Funding is expected from participating U.S. firms.

HATCH TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman and members of the Foreign Relations Committee, I asked to make a presentation today about the labour union movement in South Africa because the issue is important in any consideration of our policy toward South Africa and it is being neglected. In 1979 the South African Government permitted the formation of black trade unions after years of successful lobbying by the white business community and the chambers of commerce in South Africa. As a member of the Board of the National Endowment for Democracy and as Labor Committee chairman, I have been interested in fostering the growth of black trade union leadership through public funds made available to the AFL-CIO for training of black union leaders. Senator Kennedy and I succeeded in authorizing a small sum for the AFL-CIO in 1982 from the Department of Labor and many Senators supported the formation of the National Endowment for Democracy.

The problem we face today is that the leadership of the black trade unions has been arrested, in many cases without charges, and the threat exists that the Government of South Africa will be tempted to destroy the important work of the last 7 years since the black unions were legalized in 1979.

Mr. Chairman, my concern is that we are neglecting the black leaders who could become responsible negotiating partners from the black majority who could help lead South Africa to a future without apartheid and a future with one man, one vote in that country. Instead, too many Americans are obsessed with proclaiming the African National Congress as the sole representative of the 23 million blacks of South Africa. The cover of *The Economist* this week shows a gold ingot with the words "Free Nelson Mandela" engraved on top. Many observers want President Botha to begin a serious negotiation with the black leadership, but we harm the chances of that negotiation by demanding that Nelson Mandela and the ANC be the sole representative of the black majority.

The ANC is not only composed of at least a dozen members of the South African Communist Party, but some of those Communists are from the original trade union movement in South Africa that has now been supplanted by the new black trade unions. What makes the ANC more objectionable is that its terrorist activities are run by a white man, an acknowledged Communist active in the ANC for over two decades, Mr. Joe Slovo.

I am here today to listen and learn. My mind is not made up about the sanctions

issue. I am eager to hear the President's speech today. My only recommendation to the committee today is that whatever sanctions are considered, they should be carefully designed to help the black trade unions, not to harm them. At least 10 of the 100 Executive Committee Members of the Confederation of South African Trade Unions are under arrest. At least 250 union leaders are under arrest since the emergency was declared June 12. Lane Kirkland and an international delegation are in South Africa to help them. Let us not rush to embrace the ANC with its white Communists and terrorists.

[From the Washington Times, May 6, 1986]
LABOR UNCERTAINTIES IN SOUTH AFRICA
(By Orrin Hatch)

The rise of South Africa's black and multiracial unions has truly been phenomenal. Just seven years ago black trade unions were illegal, unrecognized, and impotent.

Since they were legally recognized by the South African government in 1979, black and multiracial unions have experienced tremendous growth in membership and influence and have become increasingly sophisticated in their operations.

Three years ago I pointed out that this positive trend offers tremendous hope for black workers and the ultimate dismantling of the onerous system of apartheid.

Today, as unrest continues throughout the country and debates rage in the South African Parliament over the desired pace of change, the country's labor unions have become a powerful force for helping blacks to climb the socioeconomic ladder. This, in turn, provides the impetus for achieving fundamental political reform peacefully.

The AFL-CIO's African American Labor Center deserves its share of credit for assisting more than 30 black unions: AALC's leadership training programs and seminars have benefited more than 300,000 black workers in just two years. Now that they have proven their effectiveness in improving the working and living conditions of their members, it is important to ask where South Africa's labor unions are headed.

The formation of a federation of black unions, COSATU (Congress of South African Trade Unions), last November marked an important and controversial step in the development of the country's black labor unions. COSATU President Elijah Brayi, a former African National Congress activist, bluntly told *Newsweek*, "COSATU is going to govern this country."

COSATU's 37 affiliated unions include factory-based unions, such as the Federation of South African Trade Unions (FOSATU) which have previously shied away from political activism, as well as the more politically oriented unions, such as those affiliated with the radical United Democratic Front.

Claiming a membership of half a million—almost half of South Africa's black union members—COSATU has a political agenda which includes support for disinvestment; nationalization of the country's mines and major industries; formation of a unitary state with one man, one vote; rejection of the so-called "homelands" policy; an ultimatum for the government to scrap its racist pass laws [which the government has announced it is ending]; a demand for the release of Nelson Mandela; and a call for President Botha's resignation.

While some elements of COSATU's agenda are supported by all who oppose apartheid, the leadership's apparent sym-

thy for the ANC's tactics is cause for serious concern, given the ANC's stated support for violence as a means for achieving political change.

In February, the ANC, COSATU, and another South African trade union group, SACTU (South African Congress of Trade Unions) met in Lusaka, Zambia to issue a joint communique which stated that the fundamental problem facing South Africa, "the question of political power, cannot be resolved without the full participation of the ANC." They further said that "COSATU forms an integral part of the liberation forces" in South Africa.

Not surprisingly, the ANC delegation emphasized "the importance of the armed struggle."

Regrettably, COSATU leaders have been engaged in a bitter feud with Chief Gatsha M. Buthelezi, leader of South Africa's Zulus and head of a moderate, 1.3 million member political movement known as Inkatha, whose membership includes many trade union members.

On the very day of its formation, COSATU attacked Mr. Buthelezi, who quickly pointed out that "the facts of the matter are that COSATU is taking orders from the ANC Mission in Exile."

Saying that COSATU had "declared war" on Inkatha, Mr. Buthelezi said there are a great number of Inkatha members and sympathizers within its ranks "who are unhappy indeed about the unmandated actions of COSATU leaders. It is never wise to alienate one's own members, as COSATU will soon find out." Mr. Barayi responded by saying that Mr. Buthelezi was "scared" and claimed that he was known as Mtswana ("child") in his homeland.

In early January, Mr. Buthelezi states that Inkatha might have to enter the field of labor relations as a counterweight to COSATU. Ten days later, a group of workers dissatisfied with COSATU's attacks on Inkatha and its pro-disinvestment stance met in Empangeni to form a new trade union federation. The new group, UWUSA (United Workers Union of South Africa), was formally launched at a rally last Thursday. Not surprisingly, COSATU's secretary-general, J. Naidoo, has characterized UWUSA as a "sweetheart union" and has warned of conflicts with the group.

The rhetorical war between COSATU and Inkatha is unfortunate. An even more serious concern is the effect that COSATU's actions may have on South Africa's black trade union movement as a whole. The federation's first organizational priority is to consolidate its member unions and form industrywide unions in "order to realize the principle of one industry, one union, and to unite the entire working force of (South Africa) under the banner of COSATU."

Of course, industrywide unions would give COSATU the power to call nationwide strikes. If the federation's action provoke a backlash and cause the South African government to institute a harsh crackdown on the trade unions, blacks will be the net losers: COSATU's actions may potentially betray black workers.

Hopefully, the country's rank-and-file union members will prevent this grim scenario from taking place. It would be tragic indeed if black trade unions—which so far have been mechanisms for peaceful reform—were to squander their hard-won gains by adopting the tactics of the ANC.

DOES SOUTH AFRICA HAVE A FUTURE?

(Remarks by Hon. Alan L. Keyes, Assistant Secretary of State, Bureau of International Organization Affairs Before the National Urban League's Annual Conference)

In the past few months, Americans have become more intensely aware of the violent and tragic situation in South Africa. We have witnessed an escalating cycle of violence and repression, accompanied by mounting international pressures for effective action against the apartheid regime. Calls for severe economic sanctions against South Africa, once confined to the halls of the UN General Assembly, are being sounded from platforms around the country and the world. After an abortive effort to mediate among the opposing factions, the Commonwealth's Eminent Persons Group joined the rising crescendo. Three weeks ago, in response to these pressures the U.S. House of Representatives passed legislation that would impose severe economic sanctions against South Africa.

People everywhere are outraged by the reprehensible abuses inherent in the South African government's efforts to maintain the unjust apartheid system. Many regard punitive sanctions as the only way to express this outrage, despite persistent doubts about whether they will in fact help to achieve the desired goal of justice in South Africa. Because the injustice is so great, because the anger and frustration in the face of repression is so strong, it seems almost a travesty to employ deliberate, patient, careful analysis to devise an effective strategy for promoting justice in South Africa. The heart cries out for action, impatient with the trammels of thought. The heart says repression must end, no matter how. The heart says injustice must cease, no matter how. The heart says apartheid must go, not in a year, a decade, or a generation, but now.

The heart cries out, the heart speaks, the heart demands—but cries are not enough, speech is not enough, demands are not enough—defiant outrage, anger and condemnation are not enough without an effective strategy for action. The world today is burdened with the tragic consequences of righteous passion undisciplined by careful thought. Not every crusade against evil and injustice leads to the promised land. Many instead are lost in a wilderness of violence, a vicious circle of repression, retribution and revenge. Will this be the fate of South Africa? Will the just demands and hopes of a people long oppressed end in a quagmire of civil war—black against white, black against black, white against black against white—until equality in suffering and atrocity grimly refutes the hateful premises of racism?

In a world beset by so many ills, and host to so many deadly and intractable conflicts, it is awfully hard to see through the ugly realities of present day South Africa to a better day. Why should South Africa fare better than Lebanon, Northern Ireland, Cyprus, Chad, Ethiopia, Angola, Iran and Iraq? What will keep it from this tragic roll of countries burnt out with conflicts no one in the world knows how to end? The South African situation has all the qualifications for inclusion. On the one hand people determined by any means to throw off the yoke of physical oppression and indignity imposed upon them by the heinous apartheid system. On the other, people too crudely arrogant or terrified to share power or to use it well. Bound together now by the iron

bands of a long and bitter history, they must live and let live, or kill and be killed together. On the one side the advantages of a just, angry and unquenchable determination to be free. On the other, the advantages of technology, organization and the residue of a stubborn national spirit, crystallized in bitterness after the Afrikaners suffered defeat in the Boer war at the hands of what was then the world's most powerful Empire. The one side will never give up, for suffering only sharpens the thirst for justice. The other will not easily yield, since fear and misbegotten pride are often willing partners in self-destruction.

As these antagonists come to grips, not only South Africa but the whole Southern African region will be embroiled in conflict. The states around South Africa surely will not sit passively by. The South African government, for its part, has repeatedly demonstrated that respect for boundaries and the rule of law will not constrain the death throes of apartheid. The defenders of the present regime will lash out at the surrounding states, making them choose between insatiable war and ignominious passivity. In each neighboring state, they will fan the flames of internal conflict, vindictively determined that if their power is to be broken then the hopes of all southern Africa will also be reduced to ashes.

These are some who contemplate this prospect with grim resignation, feeling that if this is the price that must be paid to end the long nightmare of apartheid, then so be it. Yet no one can guarantee that the nightmare of apartheid will end before the nightmare of war and mutual atrocity has established itself as a permanent reality. No one can say that the whirlwind of violence will not give birth to a tyranny of the violent, rejecting racism only so that it may oppress all equally. Is this the justice for whose sake apartheid is condemned? Is this the future the oppressed victims of apartheid desire?

Apartheid is the evil against which we fight, but we do not fight against evil for the sake of evil. We fight against evil for the sake of a present and future good. Without the sense of a positive good to be preserved and realized, the struggle against evil is determined and defined by evil itself. The oppressed see themselves only with the eyes of the oppressor. They fear as he would have them fear, hate as he would have them hate, kill as he would have them kill. They react according to a logic determined not by their own good but by the violence, fear and hatred at the heart of the evil they seek to undo.

Such logic can be the basis of struggle, but not of victory, for true victory is achieved not when the present enemy is vanquished but when a better destiny is won. To achieve that destiny, it is not enough to know what evil we fight, we must know as well the good we seek to achieve. It is not enough that we seek to destroy apartheid unless in the process we see and help to build the foundations for a South Africa that is just, democratic and free. Yet how is it possible to see the ingredients for such a future in the present welter of stubborn discrimination, injustice and repression?

Clearly, it is impossible if we allow the reality of apartheid to blind us to the complex reality that is South Africa itself. It is unfortunate that among the chief victims of apartheid is the ability to see beyond the premises of racism that apartheid represents, to see without racial blinders the problem of governance and nation-building that confronts the South African people.

Apartheid is not unjust only because it is racist, it is unjust because it manipulates racism in order to achieve the arbitrary domination of the whole society by one group or faction within it. Historically, apartheid had the twin purposes of neutralizing the power of the English-speaking whites in South Africa while guaranteeing the political supremacy of the Afrikaners. It achieves these purposes by isolating whites within the false solidarity of a racist enclave. Within this all white enclave, the political power of the more numerous Afrikaners counterbalances the economic power of the more wealthy English-speaking community. At the same time, the resentment engendered by racist practices prevents cooperation between the English and the non-whites to challenge Afrikaner domination.

In South Africa, therefore, the injustice is not simply racism, it is the arbitrary domination of one faction of the society, skillfully employing racism to keep all its other elements in check. But if the injustice lies in factional domination, Justice cannot be achieved simply by substituting the tyranny of one faction for that of another, even if the new faction is a majority of the population. Justice, therefore, is not simple majority rule. As an American, but especially as a black American, nothing is more evident to me than this oft neglected truth. If simple majority rule had prevailed in the United States, I would probably not be standing before you today as a legally free and equal citizen of the United States. In the history of the United States, simple majority rule meant slavery. Simple majority rule meant Jim Crow. Simple majority rule meant the unjust repression of a vulnerable minority.

Fortunately, the basic principles of the American constitution did not sanction unlimited majority rule. They demanded respect for individual rights, whether the individuals composed a majority or a minority of the population. What we often forget, however, is that guarantees for individual rights were not originally intended to protect the welfare of poor, vulnerable minorities. They were intended to prevent the personal and property rights of the wealthy few from being invaded and expropriated by the poorer but more numerous majority. They were part of the overall system of checks and balances through which a political system based upon the authority of the people could avoid tyranny, demagoguery and endless factional strife. As it turned out, the same principles that protected the wealthy few from the arbitrary abuse of government power, could later be invoked to protect a poor, black minority.

The American experience suggests that, when rightly conceived, the constitutional protections afforded a privileged minority can become bulwarks for all against arbitrary and tyrannical uses of government power. What seemed at first to be limits on democratic rule were revealed instead as guarantees of democratic freedom. Justice therefore is not the simple assertion of the political power of a majority. In a just society, neither a small minority nor a large majority are allowed arbitrarily to dominate the whole. The power of each must be balanced and limited by protections for the power of the other.

On the basis of such a concept a concept of democratic justice, one can begin to envisage a democratic future for South Africa. It is a future in which all have an equal vote, but in which the power of the majority is limited and constrained by laws and practices which protect the persons and proper-

ty of minorities. It is a future in which the archaic of artificial divisions of race and tribe are gradually replaced by the more productive and useful divisions of economic, professional or social interest. It is a future in which whites and blacks understand that human beings may have more in common than language or race or even the shared experience of oppression and the struggle to overcome it. It is a future in which the long repressed, but undying spirit of black Africa joins with the stubborn pride and careful industry of white Africa in the crucible of a new national identity. One that could point the way toward the brighter future of the entire continent.

Strange as it may seem, in that future land the very community that today maintains a system to repress freedom in South Africa could be the anchor and shield against repression. In the new South Africa, the white community would retain the advantages of economic power, of technical and managerial expertise, of skills invaluable to the maintenance and progress of society. Too few to dominate, they would nonetheless be too powerful to oppress. Individuals and groups that would otherwise be exposed to the arbitrary abuse of power could, by forging alliances with whites, successfully thwart efforts to rule by fear or brute force. The pattern of arbitrary rule by one man or one party that prevails in so many other parts of Africa and the world, could be successfully forestalled if the whites could be brought to play a constructive role in the political system. The key to this success, however, will be to avoid any system of reserved voting or representation for whites. Such a system would merely perpetuate the false white political enclave created by apartheid. It would isolate the whites from the rest of the political system, depriving them of the critical balancing influence they otherwise will have.

I believe that a just constitution for South Africa will protect property, but accord no privileges to race. It will allow a certain influence to economic interests, but without recognizing such interests as the privileged possession of any race or ethnic group. By respecting the balance of public and private forces within the society, it will guarantee that all have the instruments with which to protect their interests, while none has the power to destroy or dominate the interests of the rest. Taking advantage of geographic as well as economic divisions, it will aim to prevent tyranny, but to compel shifting patterns of cooperation along non-racial, non-tribal lines. It will aim to preserve the existence of a thriving private sector in South Africa. This sector will serve both as a refuge and base for Afrikaners no longer able to enjoy the privileges of the present racially exclusive welfare state. It will also avoid reliance upon government power as the engine for progressive social and economic change.

Without the racist blinders of apartheid, such a future for South Africa is easy to imagine. Given the ugly realities of apartheid, it will be difficult to achieve. Yet the effort to conceive of it can help us to discern better and worse ways of working for justice and against the apartheid regime. Once we conceive a positive future for the country, we realize that our efforts now must help to build the new, more just society even as we support those forces working to dismantle the present unjust regime. Justice in South Africa cannot wait until the campaign against apartheid is over. Laying its foundation must be an integral part of

that campaign. In a campaign of destruction, bombs and bullets might suffice, but in effort to construct a just society, we must seek to transform the pillars and walls of oppression into the bricks and mortar of a new mansion of freedom.

It we wish to foster such a process of transformation, the first step to realize that it is a process that must involve all the people of South Africa. The common error that is made on all sides in the current discussion of the South African tragedy, is the assumption that the white government and the white community are the arbiters of the country's future. Whether the goal is pressure or engagement, the primary object of every existing approach is to influence a change of heart among South Africa's whites. The non-white population is perceived either as victim or threat, the target of repression or the source of angry violence.

The tragic irony of apartheid lies precisely in this insidious triumph of its racist presumptions. When shall we come to see in the angry faces of striking students not only the desperate hatred of oppression, but the desperate passion for learning and truth? When shall we come to know in the grim determination of striking workers not just the burning reaction to depression, but the deep will to labor with dignity, rise with merit, and pass on to a future generation a legacy of achievement? When shall we be able to see beyond the "necklaces" and battling shantytown gangs to perceive the unquenchable spirit that can light a hearthfire in the deepest poverty, maintain the bonds of family through long years of separation, keep home and even hope alive despite every brutal blow of degradation? When shall we see beyond the categories of victimization to the strong, resilient human beings whose passion, will and spirit are the constructive flame in which the better future of South Africa can be forged and tempered?

Despite every effort of the apartheid system, these people have already been the makers of a profound revolution in South Africa's life. We speak glibly of South Africa's mineral wealth, of its agricultural plenty, of its developed industrial economy. But whether on the land, or in the mines or in the factories, the hands and sinews that have made such progress possible have been drawn primarily from South Africa's black community. Blacks comprise over 75% of South Africa's labor force, and without them hardly a crop would grow, hardly a drill or screw would turn. They are indispensable builders of present day South Africa, the positive power of its economic life. If they have been weak, it is only because until now they have not been fully conscious of this power, or fully capable through organization of transforming it into an instrument of change.

More than anything else, the growth and expansion of South Africa's modern economy has impelled the development of this consciousness. The very economic arena in which Blacks were unjustly deprived of arable land, discriminated against in wages, unjustly denied promotion for their skill and merit, nevertheless provided the framework for developing the most potent form of power now in the hands of South Africa's blacks. It is not their power to destroy that offers the most potent threat to the apartheid system, but the indispensable necessity to South Africa's existence of their power to labor and build. Blacks do not have this power because South Africa's white government permits them to enjoy it, they have it

because neither the government nor the country could long survive without it. Those who talk of power sharing in South Africa as if it were a future goal have been duped into forgetting that, despite every effort of repression, it is a present reality. The question is not whether whites and blacks will share power, but rather how blacks, effectively using the power they have, can work toward the justice they have been denied.

Seen in this light, the question for Americans and for others in the international community is not with what well-intentioned gestures we can show our hatred of apartheid and our sympathy with the suffering of its black victims, but rather how, with concrete action, we can support the expansion and use of their constructive power. Will we serve the latter through a campaign which, in order to bring pressure to bear on the white South African government sacrifices the modern economy? Will we serve that purpose by withdrawing our effective presence from South Africa, leaving a weakened black community alone with an armed oppressor, facing the desperate choice of combat or surrender? The proponents of punitive economic sanctions claim that such sanctions are the last means of avoiding an all out civil war. I believe that on the contrary, by depriving South African blacks of their most potent non-violent tool for change, these sanctions will in fact make such a war inevitable. Given the future for which we hope, given the positive goal of justice for which we strive, we should oppose such sanctions, not because they will hurt South Africa's blacks, but because they are not the most effective way to help them.

Our goal should be to help South African blacks transform the economic revolution that could not have occurred without them, into the political revolution that is their moral right. To achieve this goal, we must not dismantle or withdraw from our role in South Africa's economy. We must seek broadly and effectively to develop and use that role in ways that explicitly enhance the actual power of South Africa's unjustly oppressed black majority. Our effort should not be undertaken in the token spirit of reformers, but in the spirit of peaceful revolutionaries. Even Marx acknowledged that man has never invented a more potent tool of revolutionary historical change than the capitalist economic system. Its insistence upon profit and efficiency has little tolerance for the archaic categories of feudal tradition or the invented classifications of racist delusion. It is no accident that the South African business sector has gradually come to be among the most outspoken opponents of apartheid repression. It is no accident that South Africa's modern economic sector has yielded ever stronger anti-apartheid labor unions and associations which continue to grow despite repeated assaults upon their leadership by the South African government. Those who read history with some insight will realize that in the face of such dynamic and widespread economic forces, the only way the South African government can long hope to preserve apartheid is by destroying the modern, capitalist economy. Thus do the proponents of punitive, destructive sanctions against the South African economy become the unwitting allies of apartheid's preservation.

This does not mean, of course, that left on their own such economic forces will simply overwhelm the apartheid system. Even were this possible, it might take several generations. What is needed is a conscious effort to harness and accelerate the effects of the fi-

nancial and organizational forces of the modern private sector. We must continue and intensify the sharing and use of power in the economic sphere as a base and instrument for change in the political arena. This can be accomplished in three broad areas:

A. Within the modern corporations and enterprises themselves, and in their relations with the black community;

B. Through massive support for the increasingly effective South African labor movement; and

C. Through a program of expanded capital ownership that seeks to facilitate ownership by black South African workers of shares in firms doing business in South Africa.

In line with the spirit of quiet revolution, efforts in these areas must go beyond reformist schemes to improve the conditions of life for blacks. The aim should be effectively to incorporate the black community within the power structure of the economic sector, and to use some portion of the resources of that sector to support black efforts to build and sustain effective bases of economic, social and political organization. Corporations should consciously seek to become the wellsprings of expanding oases of transformation in South Africa, the focus of peacefully revolutionary communities in which the new South Africa ceases to be a dream and becomes a powerful, incorporate reality, competing with the sordid spectacle of apartheid for the allegiance of South Africans, white and black, who dare to believe in the better destiny of their country.

The American corporations in South Africa, as well as those of other foreign states, are the best available positive leverage the international community has in that situation. If we throw this leverage away in order to create pressure, we will deprive ourselves of the ability to create change, and to build the future now. This is not to say that these corporations or the private economic sector are the only potential instruments of change in South Africa, but they are the ones over which we, as outsiders, can have the greatest influence, and through which we can hope to achieve the most immediate and direct effects. In a world prone to facile gestures and easily disposable moralism, it may seem better to use these instruments once, and then throw them away. But I believe that such a course would be cheap, self-satisfying and morally wrong.

I do not mean to suggest, either, that using America's position in South Africa in the way I have outlined will bring about immediate, fundamental political change, though I believe it is the best way to make maximum positive use of America's limited but important influence in bringing about the conditions for that change. In the final analysis, basic political change in South Africa will come about only as the result of negotiations among all South Africans of good will—black and white. Such negotiations are unlikely to occur, even more unlikely to bear good fruit, in a climate of violent state repression, with the most important leaders of the non-white community jailed, and the leaders of the South African government barring the gates against peaceful agitation for change. Free from the racist assumptions and effects of the apartheid system, we can see the way clearly to a secure future for all South Africans. But between the idea and the reality, between the motion and the act there falls the shadow of violence, violence to preserve evil, violence to destroy evil, violence feeding upon

itself to block out the vision of a better day. Violent repression and the violence it foments are the chief enemies of South Africa's present and future hopes. If international pressure serves a useful purpose in this situation, than it should be as a means of discouraging violence on all sides, beginning with the repressive violence of the South African state. This, not the destruction of the economic engines of change, should be America's immediate aim, and the aim of all people of goodwill in the world at large.

Mr. HATCH. Mr. President, it is my understanding that both the majority and the minority are willing to accept this amendment. It is a good amendment. It is a positive amendment. It is one that will do a lot for blacks, and I hope they accept it.

Mr. PELL. If the Senator will yield, I think we are moving a little bit fast. We are getting amendments which we are supposed to have signed off on. I have not seen this amendment before, and I want to study it and understand it before agreeing to it. I would suggest to the majority not to bring up amendments as being cleared unless they have been cleared.

Mr. HATCH. We understood this one was cleared by both majority and minority.

Mr. PELL. I have not seen it.

Mrs. KASSEBAUM. Mr. President, if I may just make an inquiry, is it correct that the language of the Senator from Utah simply increases the amount?

Mr. HATCH. Increases the amount from \$25 million to \$40 million and provides for greater help for the free trade union movement in South Africa and all of these positive programs to help black South Africans. I think it is something we ought to do.

Mrs. KASSEBAUM. I thank the Senator. I think it sounds like a very positive approach. And essentially there is no language change?

Mr. HATCH. That is correct.

Mrs. KASSEBAUM. Just an increase in the amount of money.

Mr. PELL. Mr. President, I see where the confusion came. In this case we have now studied the amendment, it is acceptable and I wish it Godspeed.

Mr. HATCH. I want to thank my colleague. It is a good amendment, I think it is a positive amendment, and it will do a lot of good for the blacks of South Africa.

Mr. President, I move the amendment.

The PRESIDING OFFICER. Did Senators yield back their time?

Mr. HATCH. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. PELL. Mr. President, I believe the Senator from Maryland has a question.

Mr. SARBANES. As I understand the amendment of the Senator from

Utah, it is to authorize a larger amount for economic support for disadvantaged South Africans?

Mr. HATCH. That is correct?

Mr. SARBANES. And as I further understand it, it is directed toward scholarships, trade unions, private enterprise, alternative education, and community development programs; is that right?

Mr. HATCH. That is correct.

Mr. SARBANES. Mr. Chairman, it seems like a constructive amendment to me.

Mr. HATCH. I appreciate my colleague's remarks and I really appreciate the support on the floor at this time because I think this is the type of thing we ought to be doing and it is going to be encouraging to black Africans.

Mr. PELL. I would agree, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2743) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2744

(Purpose: To exempt firms owned by black South Africans from punitive sanctions)

The PRESIDING OFFICER. Under the agreement, does the Senator from Minnesota seek recognition to offer an amendment?

Mr. BOSCHWITZ. Yes.

The PRESIDING OFFICER. Under the agreement, the next opportunity would be given to a minority member. Is there anyone on the Democratic side who seeks to offer an amendment at this time?

Mr. PELL. No. At this time we have nobody here to offer an amendment. Tomorrow morning first thing the Senator from Delaware [Mr. BIDEN] will have an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 2744:

Add the following new paragraph to Section 312:

(c) The prohibition contained in this section shall not apply to investments in or loans to a firm owned by black South Africans, or a joint venture business entity with at least a 20% black South African ownership or a corporation whose board of directors are predominately black South Africans.

The PRESIDING OFFICER. On this amendment there will be 20 minutes, equally divided.

Mr. BOSCHWITZ. Mr. President, it will not take more than 3 minutes.

This amendment simply says that sanctions should not apply to corporations or business firms that are owned by black South Africans in joint ventures with 20 percent ownership. The amendment has been cleared on both sides. I think it is very much within the intent of the bill.

Mrs. KASSEBAUM. Mr. President, I say to the Senator from Minnesota that I think that it is very positive language and improves the bill. We have no objection.

Mr. SARBANES. Mr. President, will the Senator yield for a question on this amendment?

Mr. BOSCHWITZ. I yield.

Mr. SARBANES. As I read it, would it be possible to have a business entity 80 percent white-owned in which investments could be made?

Mr. BOSCHWITZ. Yes, the Senator is correct.

Mr. SARBANES. I say to the Senator—

Mr. BOSCHWITZ. That language, I say to the Senator, was put in at the request of the minority.

Mr. SARBANES. Before that, you had hardly any requirement for black participation at all.

Mr. BOSCHWITZ. I say to my friend from Maryland that this would be a joint venture, with no South African whites but Americans, where at least 20 percent black ownership is involved.

Mr. SARBANES. I think we ought to look this over. I have some knowledge of the use of dummy corporations, front corporations, and it seems to me that the way this amendment is worded at the moment, it would permit that to take place, including the last sentence, in which the board could be predominantly black, which I take to mean a majority; but the ownership could be completely white.

The bill as it is written has a pretty clear prohibition on new investment in South Africa. I take it that this amendment is to carve out an exception to that, in order to allow investments that directly involve blacks.

It seems to me that the way this amendment is worded, I, for one, would not support accepting it as written. I think we probably need to work on this overnight and try to make sure that what we are doing does not contain a loophole which could be exploited.

Mr. BOSCHWITZ. The Senator from Minnesota is not trying to create loopholes.

Mr. SARBANES. I am not suggesting that the Senator is. I want to be very clear that there is no such implication. But we also need to be clear

about the provisions of the amendment and how they might be used.

Mr. BOSCHWITZ. The Senator from Minnesota wants to be sure that black-owned, black-run businesses are not subject to sanctions. I am sure that is also the intent of the Senator from Maryland.

I am very pleased to allow it to be rewritten or restructured over the course of the evening and we can resubmit it tomorrow. The language was drafted by me, and the subsequent change were made by the staff on the other side. It is not the intention to have any type of exception or create any loopholes, as the Senator expressed it. I am perfectly willing to allow it to be rewritten over the course of the evening, if the Senator wishes.

The PRESIDING OFFICER. Does the Senator seek to withdraw his amendment or set it aside?

Mr. BOSCHWITZ. Mr. President, I ask that it be set aside, so that the Senate can move on to other business at the moment.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. BOSCHWITZ. It is.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

AMENDMENT NO. 2745

(Purpose: To express the sense of the Congress that the United Nations Security Council should impose the same sanctions against South Africa as are in this bill)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2745.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 401 of the bill, add the following:

(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 Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

Mr. CHAFEE. Mr. President, what this amendment does is express the sense of Congress that the President should instruct our permanent representative to the United Nations to propose to the U.N. Security Council, pursuant to article 41(c)(f) of the United Nations Charter that the Security Council impose measures against South Africa of the same type as are imposed by its act.

In other words, what I am seeking is that we get some international cooperation in this effort. It is fine for the United States to do what we are proposing to do here, and I certainly support it, but I would like to see the other nations in the United Nations join in.

This amendment has been cleared by both sides, and I believe it is acceptable.

Mr. PELL. Mr. President, I think this is an excellent amendment. I am delighted that it has been submitted. It was an oversight on the part of the committee that we did not include this language at the time. I recommend that we support this amendment.

Mrs. KASSEBAUM. Mr. President, I think it is a fine amendment, and it has been cleared by the chairman of the Foreign Relations Committee.

Mr. CHAFEE. Mr. President, I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 2745) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the acting chairman of the Foreign Relations Committee, the distinguished Senator from Kansas, and the ranking minority member. I appreciate their support.

Mr. SYMMS. Mr. President, a parliamentary inquiry. What is the parliamentary situation?

The PRESIDING OFFICER. The situation is that the amendment of the Senator from Minnesota is pending. It would take unanimous consent to put it aside to consider another amendment.

Mr. SYMMS. I ask unanimous consent that the amendment of the Senator from Minnesota be temporarily set aside so that I may offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to offer an amendment.

AMENDMENT NO. 2746

Mr. SYMMS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and Mr. McCURE, Mr. DENTON, Mr. PRESSLER, Mr. HELMS, Mr. HECHT, and Mr. MURKOWSKI, proposes an amendment numbered 2746.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

(a) Notwithstanding any other provision of this Act, no prohibition contained in this Act may be imposed against South Africa if the President determines, 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 (CMEA) 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 the Treasury 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).

□ 2350

The PRESIDING OFFICER. The Chair will state pursuant to the agreement there are 30 minutes on this amendment, equally divided.

The Senator from Idaho.

Mr. SYMMS. Mr. President, the purpose of this amendment is to be sure that the imposition of sanctions on any products so named in the amendment will not increase the purchases of those same products from the CMEA countries. That will be Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Mongolia, Poland, Romania, Soviet Union, Vietnam, Afghanistan, Laos, Mozambique, Nicaragua, Yemen.

The history of this, Mr. President, is that when I was in the other body, a member of the Interior Committee and the Mines and Mining Subcommittee, we published a report that was chaired by then chairman Jim Santini from Nevada, a report on the Subcommittee on Mines and Mining, Committee of Interior and Insular Affairs in the House of the 96th Congress, July 1980, published this.

Essentially, the facts are still the same today as they were then with respect to the dependence we have on that section of the world for minerals.

I commend the language in the committee, although it does address part of this. Just to say how this would work, for example, at the current time we import coal from two countries primarily, South Africa and Poland. So if we pass this legislation, we will stop

importing coal from South Africa. Then we would not buy more coal from Poland next year. We have to buy in West Virginia, Illinois, Kansas, Wyoming, or wherever, someplace in this country some State to purchase the coal.

The report that I mentioned of the House Mines and Mining Subcommittee which reported this report has been reprinted by the National Forum Foundation and I think should be carefully studied by all Senators who support sanctions.

As I say nothing changed in the 6 years with respect to this.

Aside from the strategic mineral needs of our military, every Pontiac that someone buys or every Ford or Chrysler must have some platinum. Each kitchen in the United States uses stainless steel—and therein some chrome—each ton of steel produced in U.S. factories needs manganese. The list goes on and on.

These facts are well known to my colleagues in both Houses and to the public.

In 1979 and 1980, the fear that American differences with South Africa would disrupt the supply of these minerals led to the President's constructive engagement policy. These fears are being revived by what we are doing here today. The market is anticipating that we will act directly or indirectly to disrupt the flow of these crucial minerals. If the market perceives a self-imposed cutoff of South African supplies, windfall profits will be made at the expense of American consumers. CPI could be reignited as costs of raw materials escalate.

In addition, the export competitiveness of American industry will be damaged unless all industrialized nations enforce the same sanctions. U.S. steel exports will be at a disadvantage relative to the Japanese if ferrochrome imports are restricted or cost the producer even a few cents more per pound. All this will begin to happen if we declare that in 12 months we will consider banning strategic and crucial minerals from South Africa.

I have another concern—which I may address more specifically in another amendment at a later time. Seven years ago, the Carter administration concluded that the South African decision to legalize and recognize black trade unions was merely "cosmetic." We have been hearing that word today in reference to recent South African reforms. But the policy analysts were wrong in 1979. The Black National Union of Mineworkers has become not only a 250,000 member-strong labor union that has won contracts which average to 15 to 20 percent increases in black wages per year since 1981 but also a decisive and fundamental political force against apartheid. This cosmetic has reduced the White-Black wage ratio from 9:1

to nearly 2:1 and it is closing fast—without our sanctions.

By our actions we can deprive the National Union of Mineworkers of its capacity to make mining in South Africa nonracial, its capacity to obtain future wage increases or even maintain what it has won for its membership. If we sanction coal today and all minerals next year, we will surely destroy a black majority labor union because jobs will be lost and wages cut back. It is ironic that the loss of jobs of black miners in South Africa will be translated into more jobs or overtime for white miners of strategic minerals in Canada and Australia. Our 1980 report of the House Mines and Mining Subcommittee concluded that the South African mining industry was the "cutting edge" of social and economic change in South Africa.

We were right then and we stand by that conclusion today and in the future. Our actions should not blunt that edge through import prohibitions.

Just in summary, Mr. President, for us to increase dependence on Soviet bloc sources of strategic materials because of our enthusiasm to punish South Africa is a national security risk with serious implications.

This amendment refers to the CEMA, also known as Comecon. For the benefit of my colleagues and I have read the list of those countries, and I would insert that list at this point in my remarks.

And I am offering this amendment to prevent the United States from becoming dependent on those so-called countries, the Comecon countries, who have been in reality, Mr. President, they are sworn enemies of freedom, sworn enemies of the United States and for those critically important strategic materials.

I think that this is an amendment that should not be called proapartheid. It is a pro-American amendment. It just makes good sense.

I hope my colleagues will support the amendment.

I will be prepared to see what the wishes of the committee would be at this time on this amendment.

So I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this is a pretty complicated amendment, particularly for 11:55 at night.

But as I read it, if our imports from the Eastern European countries and the Soviet Union increase as a result of the sanctions, then the sanctions would be wiped out. To my mind it is inevitable that our imports will increase because in many of these cases the other major source of the product is the Soviet Union.

In any case, I would suggest that we put this over until tomorrow because I

do believe that there will be opposition to it and therefore a vote will be required.

Mr. SYMMS. I am happy to lay it over until tomorrow.

I would like to say to my good friend from Rhode Island—reading from page 70 of the bill, and I just think this tightens it up a little bit.

My intention will be that the bill the way the committee wrote it said that:

Notwithstanding any other provision of law, no article which is grown, produced, or manufactured by a parastatal organization of South Africa may be imported into the United States, 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.

So I think you have already spoken to this issue in this bill, and that is what I would appeal to my good friend from Rhode Island.

What the Senator from Idaho is trying to do is spell it out very clearly that if we could get those products in Alaska or in Canada or in Western Europe that did not come from the CMEA countries or CMEA observer nations, we could do so. But we would not have this end up being a windfall to our sworn enemies. That is the purpose of the amendment.

I do not think that it dilutes what the committee has already done. That is the point that the Senator from Idaho would like to make.

The committee has already made it very clear that we are not going to impose sanctions on South Africa on precious or on critical minerals that are not secured. The language of the bill is essential for the economy or defense of the United States that are unavailable from reliable and secure suppliers.

All I am trying to do is tie that down so that we be sure we do not cause windfall profits to go to those other countries.

And, Mr. President, in the close of my remarks I did speak earlier on the bill today and I want to include in the RECORD at this point the statement of the administration policy on S. 2701, The Antiapartheid Act.

The Administration strongly opposes enactment of S. 2701 because the measures it calls for would impede rather than advance the goal of promoting further change in South Africa.

The Administration shares the view of the bill's sponsors that the United States should remain in South Africa and work for change. However, it believes that this bill, if passed, will unintentionally erode efforts to break down apartheid, strengthen radical elements on both sides, and penalize the people and the economy of South Africa. Measures in the bill would also cause serious deleterious economic effects to the people of neighboring black African states that rely extensively on South African trade and transportation links.

The Administration supports a joint effort by the United States and its allies to hasten negotiations between black leaders and the South African government. If the measures called for in S. 2701 are enacted, this could heighten the intransigence on both sides, as well as seriously impair the President's ability to promote collective action with our allies.

Mr. President, I reserve the remainder of my time.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I am happy to yield.

Mr. SARBANES. What is the deficiency that the Senator finds with section 303 of the bill as reported by the Foreign Relations Committee?

Mr. SYMMS. The one deficiency I think is with respect to coal. My amendment would be sure—one deficiency would be coal—that we will not be buying more coal from Poland.

I prefer to buy the coal from West Virginia or Wyoming or some other State that is a coal-producing State.

My State does not happen to be a coal-producing State, but I do think we would be sure we do not buy more coal from Poland than we are buying currently.

□ 2400

That would be the impact of it. And it would make it a little bit more clear and spell out that we are not going to allow a windfall to fall on these countries that I named—Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Mongolia, Poland, Romania, Soviet Union, Vietnam, Afghanistan, Laos, Mozambique, Nicaragua, or Yemen.

Mr. SARBANES. Do you regard any of those countries as reliable sources of supply?

Mr. SYMMS. I would not say they are what I would call a—no, I would not.

Mr. SARBANES. Does not the bill, as written, address your concern?

Mr. SYMMS. I would just say to my colleague from Maryland that that is why I think this amendment should be accepted.

Mr. SARBANES. Why does not this bill, as written, address that?

Mr. SYMMS. Well, like I say, your bill does not place the effect of coal. I think that is important for coal-producing States.

In my opinion, this makes it more clear what the intent is. It leaves nothing for doubt. It will make it more difficult for products to be taken out of the Soviet Union and put into some other country or out of those countries and moved into Western countries and then on into the United States.

Mr. SARBANES. Does your amendment permit the current level of importation to continue?

Mr. SYMMS. Yes; for the importation of coal or any strategic critical mineral material by an amount which

exceeds—it would not allow the amount to exceed the average amount of such imports from such country during the period of 1981 through 1985.

Mr. SARBANES. That leads into the next question. Why did you choose the particular determinant of dependency or nondependency from a given supplier which is contained in your amendment?

Mr. SYMMS. The reason for that is to try to give the administration an idea of how much has been coming in and have a record of what has been coming in from those countries.

Mr. SARBANES. In order to understand the impact of this standard you have chosen, one would have to see a table showing the average quantity of shipments by weight over the 5-year period from the countries you cite in your amendment. Isn't that correct?

Mr. SYMMS. The intention of this Senator, Mr. President, to see, if it starts being very apparent that the sanctions are causing a windfall to the Comecon countries, that the administration would have the authority to waive the sanctions on any given critical mineral or coal.

Mr. SARBANES. I understand that is the intention of the Senator. My question is not really directed to that. My question is directed to the use of the average shipments by weight over a 5-year period. If we are to understand the amendment and its impact, we would need to see what the shipments had been over that 5-year period. Based upon that information we could then make some sort of judgment about the current impact of this amendment. Would that not be correct?

Mr. SYMMS. The point, I would say to my friend, is that section (b) spelled out how we would get those studies back, which would provide the information that the Senator is talking about. I think the Senator makes a good point.

In my opinion, this makes it stronger and would improve the committee's bill. It is obvious to this Senator, from the way the committee wrote the bill, that you made a big exception in anything you think may hurt the United States of America. We are for sanctions unless it is going to hurt us.

Now, all I am saying is we want to be sure that it not only does not hurt us, we want to be sure that it does not help our sworn enemies. That is the purpose of the amendment.

I am not trying to do anything here to be difficult with the committee. If the committee has some suggestions of improvements on this, I would be open to discussion on it.

But I think that the language is very clear in what the intent of it is, that we should not pass legislation here that will, No. 1, jeopardize our own se-

curity, and No. 2 help our sworn enemies.

Mr. SARBANES. I am not arguing with the general objective of the Senator's amendment. I am just trying to get some very detailed answers to how the Senator's amendment would function.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Idaho's 15 minutes has expired because he has used it for questions and no time has been charged to the minority.

Mr. SARBANES. How much time does the minority have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Maryland on the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. President, if the Senator would continue to yield. First of all, let me say to the Senator, with respect to the comment that he made about not doing anything if our own interests were to be affected, there is a provision in the bill, section 503, which the distinguished Senator from Alaska included in the bill, that is going to require a report from the President about the extent of our dependency on the importation from South Africa of certain minerals and also the development of a program which would reduce U.S. dependency, if any, on mineral imports from South Africa which would be identified by the report submitted under subsection (a).

I may say to the Senator that the distinguished Senator from Alaska, a member of our committee, was very strong in the position that, in fact, these minerals are present in Alaska. Now, they have not been brought on line. They have not been, as yet, developed to the point that they are immediately accessible, but it is his view, contrary to the assertion that is made by some that we are absolutely dependent on these strategic minerals in South Africa or, alternatively, on going to an Eastern bloc country, particularly the Soviet Union for them, it is his assertion, apparently based on reliable studies, that, in fact, these minerals are present in Alaska.

Mr. SYMMS. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. SYMMS. I think the Senator brings up a very important point. I happen to agree with the Senator from Alaska on that point. That is part of the report that we did in the Mines and Mining Subcommittee, which I was privileged to serve on, with respect to wilderness questions here in the United States. Congressman SANTINI and myself got deeply involved with that and met with Presi-

dent Carter on that issue at the time. President Carter was very concerned about that.

I happen to think that Senator MURKOWSKI is correct in what he is trying to say, that those minerals are available in Alaska. Senator MURKOWSKI inspected my amendment and helped in what I was trying to accomplish with the amendment. As a matter of fact, he is one of the cosponsors of it.

I did not mention that at the beginning. But this amendment is also cosponsored by Senators McCURE, DENTON, PRESSLER, HELMS, HECHT, and MURKOWSKI.

What Senator MURKOWSKI's point is in section 503 is that if we do not buy the products from South Africa and if we can buy them here in the United States or produce them, that should be the first place to do it. If we cannot do that, for heaven's sake, let us not start buying them from our own enemies. Let us develop our own resources here in this country and, in the process of this, to try to make this work.

That is what I would anticipate in the report that would come back from the administration, that they would prepare and transmit to Congress a report setting forth each country described in subsection (a), and the average amount of imports from such country during that period from 1981 through 1985. And it fits right in with the language on page 70 of the bill.

I just personally believe, I say to my colleague from Maryland, that the amendment that I offer here strengthens this legislation and strengthens what the intent of the committee is trying to accomplish.

□ 0010

Mr. SARBANES. To debate this further, I say to the Senator from Idaho, your amendment may not have the intended effect of reducing U.S. dependence by lifting the prohibition on importation from South Africa. Since this will lessen the incentive to bring on line new, perhaps more expensive mineral deposits which may be located in Alaska.

I happen to think this is an interesting proposition in terms of U.S. self-sufficiency in an important area.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PELL. I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator is recognized for an additional 1 minute.

Mr. SARBANES. I assume we will pursue this tomorrow. I have not yet gotten a full understanding of this amendment. I can follow it up with the Senator or the staff can follow it up. It seems to me that an important part of the amendment is the 5-year average of shipments standard be set. It is something that needs to be more

clearly understood than I think it is at the moment.

Mr. SYMMS. If I can answer that, I will try to answer. I am not trying to be evasive. There could be a difference in one year from the next to where the supplies came from. We thought the 5-year average gave a little more practical solution than trying to pick out one given year. In some years they report more, and some years less. If the Senator has some better suggestion, this Senator is open to assistance to try to come up with a better way to do it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mrs. KASSEBAUM. Mr. President, might I suggest that this be laid aside until tomorrow and perhaps there could be some efforts to say there might be an agreement on language before this would come up again tomorrow.

Mr. SYMMS. This Senator would be agreeable to that.

Parliamentary inquiry: If the amendment is laid aside, will it be subject to disposal at some point?

The PRESIDING OFFICER. The amendment will recur. There are 14 minutes left to the opponents. All time has expired on the amendment for the proponents. The matter is pending until it is set aside.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator's amendment be temporarily laid aside if it is not already.

The PRESIDING OFFICER. Does the Senator also ask unanimous consent to also set aside the amendment of the Senator from Minnesota so he might present an amendment?

Mr. LEVIN. I ask unanimous consent that both amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2747

(Purpose: To require Presidential notification and certification with respect to the sale of certain items on the U.S. munitions list, and to allow for a joint resolution of disapproval of such sale)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2747.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place in the bill, insert the following new section:

Sec. . (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 States 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.

The PRESIDING OFFICER. The Chair is informed that there is a 30-minute time agreement under the basic agreement for this amendment equally divided.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

I understand that this amendment will be accepted. I hope we will be able to reduce that time to about 5 minutes.

The amendment that I am offering now will have the effect of modifying the portion of the Weicker amendment we already adopted dealing with the U.S. munitions list. The President under the Weicker amendment can still allow the sale of certain items on the munitions list if those items are being exported solely for commercial purposes and not for use by the Armed Forces of South Africa or for other military use. The amendment that we are offering to add to the Weicker amendment is a proviso that the President would have to notify the Congress of such sale and certify its commercial and nonmilitary character. The Congress would, then, have 30 days of continuous session to disapprove by joint resolution of any such sale. In essence, this amendment adds to the Weicker amendment a requirement that the President notify and certify the nature of the sale to the Congress prior to the sale being made. The Weicker amendment includes a reporting requirement, but the report would be made after the sale and without the requirement of a certification of the character of the sale.

I complement my colleague from Connecticut for his focusing the attention of this body on the munitions list. I do think, however, that past experience requires that the Congress have the opportunity to scrutinize the sales before they take place.

While various agencies of our Government examine license requests before they are granted, it is clear that mistakes can and have been made—and as a result, material with a clear military value has been exported to South Africa despite the best intentions of the Government and the clear intent of the Congress as expressed in the Arms Export Control Act. For ex-

ample, mechanical gear which can be used for 155 millimeter howitzers has been licensed for export. In addition, a CAD/CAM software system which was licensed for export apparently can be used to develop military equipment ranging from radios to missiles to aircraft.

There is, I must admit, no guarantee that a public, advance notice to the Congress of an intent to license a given export item will prevent the unauthorized use of that item. But publicity can reduce the chances that we will make bad licensing decisions. For example, in November 1985 when word leaked out about a decision to license the export of certain advanced, "hardened" computers with a clear potential for military use, opposition to the license developed and ultimately the decision was reversed.

Advanced notification then, will give the Congress and the public an opportunity to examine the decisions which are now not made a matter of public record in a timely fashion. If the decisions to grant a license is a wise one, nothing in this amendment will prevent the exportation of the items in question. If, however, the decision involves substantial risk of diversion, then the public and the Congress deserve the opportunity to question it and perhaps stop it before the items leave our shores. For South Africa.

I believe this amendment makes our policy more effective and I believe it is acceptable to both the majority and minority leaders.

Mrs. KASSEBAUM. Mr. President, yes. This does have the support of this side of the aisle. It is believed, I think, to be language that does make a more comprehensive and tightened policy regarding our sales to South Africa of munitions. I compliment the Senator from Michigan on the language that he has chosen to use.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think this is an excellent amendment. I recommend support by my colleagues.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. LEVIN. I yield back my time.

Mr. PELL. We yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2747) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside so that I might offer another amendment which has been made a part of the unanimous-consent request, and I believe it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2748

(Purpose: To express the sense of the Senate that the United States Ambassador to South Africa should promptly make a formal request to the South African Government to meet with Nelson Mandela.)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2748.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

Sec. . . 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.

Mr. LEVIN. Mr. President, this is presently the time to reach out and to grasp the hand of the future of South Africa. The bill before us now is a part of that effort. But we can do more to signify our opposition to apartheid and to identify with the voice of majority rule. One additional step that we should take is to express the sense of the Senate that the U.S. Ambassador to South Africa should seek to meet with the imprisoned nationalist leader, Nelson Mandela. That is the purpose of this amendment.

□ 0024

Nelson Mandela is the embodiment of a people's struggle to overcome oppression. He has been in prison for almost 25 years. His imprisonment is symbolic of the imprisonment of the black majority under the system of apartheid. His determination to stand by his principles in the face of conditional offers of leniency mirrors the determination of the black majority to stand up to the minority government and to endure hardships now for the promise of a freer South Africa, a more just South Africa in the future.

Let me quote from the recent report by the Commonwealth Commission know as the Eminent Persons Group:

We were first struck by his physical authority—by his immaculate appearance, his apparent good health, and his commanding presence. In his manner he exuded authority, and received the respect of all around him, including his jailers . . . In our discussions Nelson Mandela also took care to emphasize his desire for reconciliation across the divide of color. He described himself as a deeply committed South African nationalist but added that South African nationalists came in more than one color. . . . He pledged himself anew to work to a multiracial society to which all would have a secure place.

It is no secret that many in South Africa view the United States as an antagonist in their struggle for freedom, as an apologist for the minority government. By the end of this week, it should be clear that the majority of the Congress—the overwhelming majority of the Congress—seeks to be an ally in the struggle for majority rule. What should accompany this statement of our policy is a crystalizing act which will demonstrate the bridge that we are building between the United States and the forces for multiracial freedom in South Africa.

We want to see Mandela free. In May 1984 I introduced legislation calling for the immediate release of Nelson Mandela. On October 10 of that year this Senate passed this legislation. Unfortunately, Mandela remains in prison to this day. But if the prison doors cannot be opened for him to leave, then they should be opened for the U.S. Ambassador to enter. It would be a simple human gesture—a vitally important symbol recognizing the crucial role that Mandela must play in any significant negotiations on the future of South Africa. It would be a sign that we acknowledge that Mandela, even in prison, has achieved the status which justifies his being informed about the new American policy by the highest ranking American official in South Africa. It would signify that we recognize and support the dawning of a new day in South Africa.

I urge my colleagues to support this sense of the Senate resolution calling on the U.S. Ambassador to South Africa to meet with Nelson Mandela.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, this language is acceptable to this side of the aisle. I personally think it is fine language and certainly support the intent of the Senator from Michigan to call attention to the imprisonment of Nelson Mandela. We are happy to accept this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I concur with the acting chairman of the committee that this is an excellent amend-

ment. When the Secretary of State testified before the Foreign Relations Committee last month on the administration's policy toward South Africa, I suggested that it would be a good idea if he instructed our Ambassador to see Mr. Mandela.

I think that this amendment may encourage the State Department to pursue that idea and issue the necessary instructions.

On this side of the aisle, we enthusiastically support the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. I yield back the remainder of my time.

Mrs. KASSEBAUM. We yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 2748) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, if there is nobody else who wants to offer an amendment, I do have another amendment under the unanimous-consent agreement. If I could, I would like to utilize 2 minutes of the time I have on that amendment and then I will waive the offering of the amendment, if I might.

I think it would be better for the Senate if I can use that 2 minutes tonight, as tired as we are.

The PRESIDING OFFICER. Without objection, the pending amendment is temporarily set aside.

Mr. LEVIN. Mr. President, first let me commend the committee for this bill and also commend them for their willingness to consider amendments which will strengthen this bill. Their efforts reflect the fact that there is no way, there simply is no way, to turn back the tide in South Africa even if we wanted to. Through political transition or through bloody revolution, the black majority will achieve their God-given rights in South Africa.

The amendments we have accepted today, and others that I hope will be accepted later, will help us be what we should be, which is a decent and a caring people.

Americans have always known enough to know good from evil. Americans have also been a decent and a caring people.

We know there is evil in South Africa, and there is evil in us if we continue to even implicitly support it.

Mr. President, it is time to act. The bill does not go far enough, but it is an important beginning and it is time

that we began to behave toward South Africa in ways which are consistent with the principles of our people and our nature as a nation.

Mr. President, I yield the floor and the remainder of my time on that amendment.

The PRESIDING OFFICER. Do the Senators yield opposition time back on that amendment?

Mr. PELL. I yield back the remainder of my time.

Mrs. KASSEBAUM. I yield back our time.

The PRESIDING OFFICER. Does the Senator wish to withdraw the third amendment?

Mr. LEVIN. Mr. President, that amendment will not be offered.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Minnesota. Who yields time?

Mrs. KASSEBAUM. Mr. President, I do not believe language has been worked out on that amendment.

Mr. PELL. No, it has not been.

Mrs. KASSEBAUM. That amendment will still be pending tomorrow.

Mr. PELL. Mr. President, I rescind the yielding back of my time.

The PRESIDING OFFICER. That time has not been yielded back, the Chair will state. The Senator from Michigan yielded back the time on the amendment he spoke 2 minutes on. The Chair requested yielding that time back so the amendment could be disposed of.

Mr. THURMOND. Mr. President, I have previously expressed my opposition to harsh, punitive sanctions against South Africa. However, I supported the President's Executive order of September 1985 which I believed was appropriately designed to encourage efforts to enact meaningful reforms.

It is unfortunate that we continue to read of growing racial unrest and violence in South Africa. It does not appear that the South African Government has constructively responded to the Executive order. The question we should ask is whether the South African Government will constructively respond to the imposition of additional sanctions? I do not believe that anyone in Congress has the answer to that question. Nor do I believe that sufficient efforts will be made during this debate to focus on this central issue.

The issue today is not whether such sanctions achieve their intended goals, but rather what type of sanctions should we approve. I have difficulty answering that question when it is stated in the affirmative. The better question, for the purposes of the realities of this debate is, What type of sanction should we not approve?

Any sanctions which could increase the danger to the security interest of the United States should be rejected.

We should never forget that, despite the abhorrent policies of apartheid, we are dealing with a strategic ally. I am afraid that the zeal of those who seek the harshest possible sanctions has clouded the ability to clearly focus on the importance of their strategic relationship. The ability to obtain resources which are necessary to defend our Nation should never be sacrificed. For instance, we should not cause possible harm to our Nation by advising the entire world that our stockpiles of strategic minerals are insufficient to meet our military needs before we can import such minerals from South Africa.

I have reviewed the bill introduced by Senator LUGAR and favorably reported by the Senate Foreign Relations Committee. The chairman and members of that committee should be commended for their efforts to constructively express our national opposition to apartheid, while attempting to avoid harm to our national security.

The sanctions which are imposed by this bill are designed to avoid unintentional harm to the victims of apartheid. Broadly sweeping, punitive sanctions are likely to have an adverse impact on those who bear no responsibility for the apartheid policies of the South African Government.

Sanctions which are targeted at government-controlled South African corporations may have a better chance at achieving reforms. Although imports from such corporations are subject to a general ban under the bill, an exception is provided for strategic minerals. Furthermore, imports for the essential needs of the United States can continue to be obtained from nongovernmental producers.

The legislation establishes specific goals to gauge the process, if any, resulting from these sanctions. The sanctions can be modified if such progress is demonstrated.

I think it is clear that Congress intends to impose further sanctions against South Africa. Although I am not convinced of their effectiveness, I will only support those measures which do not jeopardize our national security or adversely affect those who bear no responsibility for apartheid. Of all the legislative initiatives being discussed in this matter, the bill reported by the Senate Foreign Relations Committee comes the closest to accommodating these important policies. I would support amendments to that legislation which I believe further these policies. Likewise, I intend to oppose amendments that would change the Foreign Relations Committee bill by overextending its scope or by compromising the defense of our country.

CLARIFICATION OF THE TERM "PARASTATAL ORGANIZATION"

Mr. DENTON. I would ask the Senator from Indiana to clarify for me a very important aspect of S. 2701. Section 303(a) provides that, except for certain strategic minerals, "no article which is grown" produced, or manufactured by a parastatal organization of South Africa may be imported into the United States * * *." The term "parastatal organization" is defined in section 303(b) as "a corporation or partnership owned or controlled by the Government of South Africa."

My concern is with the intended scope of the term "owned or controlled by the South African Government" used in S. 2701. Clearly, a corporation whose stock is 100-percent owned by the South African Government would fall under the definition of section 303(b) and, therefore, be considered a "parastatal organization." I understand, however, that a corporation in which the South African Government has a minority ownership interest would not be considered a "parastatal organization."

It has come to my attention that the Industrial Development Corporation, which is an arm of the South African Government, has an ownership interest in many industrial enterprises. Some of these interests are majority ownership interests, while others are minority ownership interests. If all enterprises in which the South African Government holds any ownership interest were deemed "parastatal organizations," then the importation prohibition of section 303(a) would be far reaching indeed. It is my understanding that this is not the committee's intent. Rather, the committee seeks only to include organizations in which the South African Government owns a majority interest in the definition of "parastatal organization." This construction is consistent with the committee's recent rejection of Senator CRANSTON's substitute that would have prohibited virtually all imports from South Africa.

Let me add that a thorough search for a definition of "parastatal" outside the text of S. 2701 was fruitless because the term simply does not appear in American dictionaries or American legal texts.

Could the chairman please confirm for the record that it is not the intent of S. 2701 to include as "parastatal organizations" corporations in which the South African Government holds less than a 51 percent interest?

Mr. LUGAR. No. That is not the committee's intent. When we drafted S. 1701 and defined a "parastatal organization" in section 303(b) as "a corporation or partnership owned or controlled by the South African Government," we intended that the words "owned and controlled" be given their normal and everyday meanings. Nor-

mally, when one "owns" something, one has the power to exercise domination over it and the right to use or enjoy it to the exclusion of all others. Likewise, "control" typically means having "the authority to manage, direct, or administer" the affairs of a subject or entity. It is the intent of the Foreign Relations Committee that the definition of "parastatal" in S. 2701 include only those organizations which the South African Government actually owns or controls in this sense. It is not the intent of the bill to define as a "parastatal organization" any corporations in which the South African Government owns a minority interest. Let me state, therefore, for purposes of S. 2701, the term "owned or controlled by the Government of South Africa" found in section 303(b) means that the Government of South Africa beneficially owns or controls, whether directly or indirectly, more than 50 percent of the outstanding voting securities of a corporation or partnership.

I hope this clarifies the issue the Senator from Alabama raised.

Mr. LEAHY. Mr. President, 10 weeks ago I spoke on this floor in support of legislation to impose broad sanctions against South Africa if it fails to take significant steps to dismantle apartheid. For my colleagues who had reservations about the wisdom of economic sanctions then, the events of the past 10 weeks should have left no lingering doubts about the future of South Africa, and of our relations with the future black leaders of that country, if our policy there is not radically changed.

South Africa is steadily sliding toward civil war. Those of us who predicted it and warned against it and urged past and present administrations to act boldly to try to prevent it, have watched our fears evolve into reality. The time has come for the Congress of the United States to do what is morally right in South Africa. We must stop trading with a racist regime that uses our wealth to strengthen its illegitimate hold on political power.

This administration has had 6 years to use its considerable political and economic influence to change the course of events in South Africa. Its policy of constructive engagement was well intentioned, but unrealistic. Perhaps someday it might be said that constructive engagement helped to bring down the pillars of apartheid. But does anyone here honestly believe that the black majority is going to continue to wait patiently for that day to come? It is far more likely that we will remember constructive engagement as having been used by the South African Government as a license to strengthen apartheid, not to weaken it.

Constructive engagement has failed. In the past 12 months, over 1,200 blacks have been killed in racial vio-

lence in South Africa. Government reforms, such as the abolition of the pass laws, have not addressed the fundamental issues of continued white political domination and the segregation of residency and education. Under the recent "state of emergency," thousands of blacks have been jailed indefinitely without formal charge. The administration should concede that its policy has failed, rather than continue to defend it even as the South African Government attacks its neighbors and imposes yet again more draconian restrictions on the liberty of its citizens.

Mr. President, regrettably, we have few choices. The black majority has borne this modern form of slavery for so long only because they know they are no match for the modern South African military. Ten years ago even slow progress toward an end to apartheid might have averted war between the races in South Africa. That time is now lost. We were unable to avoid our own civil war a century ago, and perhaps the South Africans will have to fight theirs. Ethiopia has offered to train black soldiers to fight apartheid. Other African nations may follow suit. One wonders how patient American blacks would have been if they had had to wait another century for their freedom.

I believe we can still prevent a full-scale war, but only if we radically change our policy, and persuade our Western allies to follow our example.

To my colleagues who honestly believe that constructive engagement will work, I say that time has run out. The same was true of our policy in Haiti and the Philippines. The black majority has lost faith in a policy that has completely failed to deliver them from evil.

To those who argue that sanctions will not work, my answer is that real sanctions have never been tried in South Africa. This administration has imposed broad sanctions against Libya, which I support. Even if sanctions don't work in the sense of forcing the South African regime to begin moving toward majority rule, we must, out of respect for our own ideals and values, find meaningful ways to express our rejection of apartheid. We must show the rest of black Africa where we stand, before we suffer a precipitate loss of influence in the rest of the continent.

One day, the blacks will rule in South Africa, and they will look back and ask where the United States stood at this time when we were tested. The Eminent Persons Group from the Commonwealth of Nations, recently returned from South Africa and described what it will be like if the West refuses to impose sanctions:

Without (sanctions), black leaders will again have their view confirmed that they are without fundamental support from the

West. The kind of government that would emerge from increased violence through much larger-scale civil conflict, whether it is eight or ten years hence or even longer, would be totally radical, owing its allegiance to those countries from which it would obtain arms and support. The politics of the whole of Southern Africa would be soured. Such a government would nationalize all major corporations. The strategic, economic and commercial interests of the West would be utterly destroyed.

Recently, at the same time the United States representative at the United Nations vetoed a Security Council resolution calling for sanctions against South Africa, the House of Representatives took the courageous step of passing legislation requiring total United States divestment from South Africa.

The President's July 22 address on this issue was appallingly out of step with the sentiment of Congress and the American people. He claims to know what is best for South African blacks. There is distressing irony in the fact that the South African Government has so effectively proven him wrong.

The recent decision by the Commonwealth nations to impose sanctions, with the unfortunate exception of Great Britain, was a welcome change. We should follow their example. We must enact strong economic and diplomatic sanctions this year, as well as urge the President to make as concerted an effort to persuade our allies to join us as he has in the case of Libya.

Finally, we should urge the President to undertake a policy of high-level diplomacy aimed at bringing together representatives of the black majority with the South African Government. As the only organizations capable of negotiating on behalf of the blacks, the African National Congress [ANC] and United Democratic Front [UDF] must be brought into the process of peacefully dismantling apartheid.

I deplore the violence of the ANC as I do the violence of the South African Government security forces. We should universally condemn acts of terrorism, whomever is responsible, and encourage all South Africans to reject violence as a means of achieving a truly democratic society. As Secretary of State Shultz has said, we must attempt to bring together black and white leaders if a bloodbath is to be avoided. The true leaders of South Africa are patriots like Desmond Tutu, Nelson and Winnie Mandela, and Allan Boesak. They are desperately exploring all avenues of peaceful change, and they are looking to the United States for support before all chance for negotiations is lost. The United States should be making every effort to be the mediator in that process.

Mr. President, as the leader of the free world, the United States has a re-

sponsibility to use its diplomatic, economic, and moral powers to help end the abhorrent system of apartheid. It is morally indefensible for us to do anything less than what I have suggested today. I strongly support S. 2701, the Comprehensive Anti-apartheid Act, as well as the efforts of several of my colleagues to strengthen the sanctions it contains.

Mr. CHILES. Mr. President, the Senate today has joined the House of Representatives in speaking out against the harsh, cruel, and terrible system of apartheid in South Africa. The only voice missing from the national chorus is that of the President. I would hope that the President would heed the message from the Congress and not veto this legislation but move with us to ensure that the United States of America is on the right side.

The key issue in South Africa is not black versus white, it is rather wrong versus right. Once we come to that realization, we can then understand the importance and magnitude of the vote taken here today.

It is my hope that the Government of South Africa will view our actions not in anger or hatefulness but rather as an effort to help them do what they should do. First, grant to all its citizens full citizenship; second, the release of Nelson Mandela and other political prisoners who have resisted apartheid and are paying for that resistance by their loss of liberty. Third, to immediately lift the state of emergency which exists in South Africa. It is my hope that other Western nations will take note of this action—particularly England—and follow our lead.

The legislation passed by the Senate sets forth a comprehensive framework to guide United States efforts to help end apartheid and establish a nonracial, democratic form of government in South Africa; sets forth a progressive human rights policy toward the Government in South Africa and offers some relief to the victims of apartheid. The victims of apartheid are the people of South Africa who are not afforded full citizenship; who live in fear; who look to this Nation as a beacon of liberty and justice. It is noteworthy that this bill's major provision included financing education, training, and scholarships for apartheid victims who are attending colleges, universities, and secondary schools in South Africa.

The economic prohibitions that are contained in this legislation are particularly significant. We've acted to ban the export of computers, computer software, and computer technology. We've prohibited importation of uranium ore, uranium oxide, or coal from South Africa to be effective 90 days after enactment.

The strong steps to terminate air services agreements with South Africa are laudatory.

Certainly the strong amendment by the Senator from California [Mr. CRANSTON] is a needed and strongly desired addition to the bill. The prohibition on the importation of textiles should send a strong message to the Government of South Africa.

I want to add my appreciation to the managers of this bill. It is an important piece of legislation.

A COLLEAGUE'S UNPARALLELED CONTRIBUTION TO NATIONAL SECURITY

Mr. MOYNIHAN. Mr. President, we are all aware of the unique contributions of the senior Senator from Arizona to the defense of the Nation. The respect of his colleagues is such that we now speak of the Barry Goldwater Defense Reorganization Act and the Barry Goldwater Scholarship and Excellence in Education Program. They are richly deserved honors.

I rise today, Mr. President, to add one more accolade to those already made on the floor of the Senate this past Saturday evening. Just last week, Senator GOLDWATER received what is known as the Central Intelligence Agency Seal Medallion. This event went largely without notice, just as it is the nature of intelligence work—properly so—that it go largely without notice. But I think this occasion deserves to be an exception. It is time to call public attention to the singular contributions my distinguished colleague has made to the future prospects of intelligence efforts in our democratic society. I say this as someone who served as vice chairman of the Senate Select Committee on Intelligence during which time Senator GOLDWATER served as that committee's chairman (1981-84). Allow me to read from the citation:

Consistently adhering to the highest standards of personal and professional integrity in furtherance of the national security interests of the United States, Senator Goldwater clearly demonstrated that effective oversight of intelligence can be realized in a democratic nation without risk to the intelligence process.

Mr. President, it seems to me that Senator GOLDWATER located that crucial balance all democracies must reach—that is, the balance between legitimate national security needs and civil liberties, including the citizens' right to know. I think particularly of Senator GOLDWATER's leadership, indeed statesmanship, in formulating a compromise over the Freedom of Information Act, a compromise which allows for the protection of intelligence sources while streamlining and speeding the legitimate process of disclosure. This legislation is known as the CIA Information Act of 1984, it might better be called the Barry Goldwater Intelligence Sources Protection Act. It was BARRY GOLDWATER who chaired the first hearing the Intelligence Committee ever had on Soviet surveillance of our domestic communi-

cations. And it was BARRY GOLDWATER who played a key leadership role, as committee vice chairman, on the Intelligence Oversight Act of 1980. This act requires that the CIA keep the Congress fully informed of its activities while reducing the number of reporting committees from eight to two (the intelligence committees); once again we see the Goldwater balance.

Finally, Mr. President, I would be remiss if I failed to note BARRY GOLDWATER's contribution to increasing resources for our intelligence agencies, which they began to receive in 1978; a time when morale was low and our intelligence capability in peril—the "dark ages" some have said. I recall in 1982 when John McMahon was before the committee as the President's nominee for Deputy Director of Central Intelligence. He told us, "the Agency indeed was down in 1978, and I think since then we have begun a rebuild, and a great deal of credit for that rebuild belongs to Congress because Congress led the charge to give the resources." And you know who was out there leading the quiet charge.

Mr. President, I am proud to have served on the Intelligence Committee with my distinguished colleague from Arizona and I am proud to serve in the Senate with him today. I ask unanimous consent that the full text of the citation awarded to Senator GOLDWATER be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE UNITED STATES OF AMERICA CENTRAL INTELLIGENCE AGENCY CITATION

Barry M. Goldwater is hereby awarded the Agency Seal Medallion in recognition of his outstanding accomplishments as a Member of the Senate Select Committee on Intelligence from May 1976 to January 1985. He was a leader in establishing the oversight of intelligence which was and is today in the finest spirit of bipartisan government. Consistently adhering to the highest standards of personal and professional integrity in furtherance of the national security interests of the United States, Senator Goldwater clearly demonstrated that effective oversight of intelligence can be realized in a democratic nation without risk to the intelligence process. Serving with full knowledge that his achievements would never receive public recognition, he chose to align himself with the thousands of men and women who have devoted their lives to support the intelligence needs of our country. Senator Goldwater's extraordinary contributions and exemplary dedication while serving on the Senate Select Committee on Intelligence reflect great credit on himself and the Congress of the United States.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

August 8, 1986:

S.J. Res. 356. Joint resolution to recognize and support the efforts of the United States Committee for the Battle of Normandy Museum to encourage American awareness and participation in development of a memorial to the Battle of Normandy.

August 13, 1986:

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

REPORT ON UNITED STATES-SOVIET UNION VERIFICATION OF COMPLIANCE WITH NUCLEAR TESTING LIMITATIONS—MESSAGE FROM THE PRESIDENT—PM 165

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In response to the requirements of Section 1003 of the FY 1986 Department of Defense Authorization Act (P.L. 99-145), I am pleased to transmit this unclassified interagency study of possible avenues of cooperation between the United States and the Soviet Union in the development of verification capabilities consistent with national security restrictions.

The requirement under Section 1003 involves: "limited exchanges of data and scientific personnel," in general, and "joint technological effort in the area of seismic monitoring," in particular. Upon review of a number of possible scientific disciplines, it was concluded that in terms of this study, nuclear testing issues appear to offer the most promising avenues for such "scientific" cooperation and data exchange. Therefore, the attached study focuses its examination on matters relating to the verification of limitations in nuclear testing.

While the attached study focuses on nuclear testing limitations, it should be noted that in other arms control areas as well, the Administration believes that exchanges of information would, in addition to various monitor-

ing provisions including types of on-site inspections, play an important role in establishing a verification framework.

In START and INF, for example, areas of possible exchange of information might include the declaration of missile and launcher facilities, the numbers of missiles and launchers at such facilities, and information on the destruction of missiles and launchers that are in excess of agreed treaty limits. In the negotiations on Mutual and Balanced Force Reductions (MBFR), we have asked for an exchange of information to be updated annually, on the structure of forces subject to MBFR limitations. At the Stockholm Conference on Confidence- and Security-Building Measures in Europe (CDE), we believe it important to have an exchange of information both on overall force structures and on specific forces participating in military activities. In chemical weapons arms control, we believe it important, among other things, to have a preliminary bilateral exchange of data on chemical weapons stockpiles and on production facilities as a confidence-building measure prior to the entry into force of a convention banning such weapons.

The prospects for progress in arms control may be significantly enhanced if a regime of cooperation between the United States and the Soviet Union in the development of verification capabilities consistent with national security restrictions can be established. The attached interagency study describes some possible avenues of cooperation that could produce benefits in the near term in the nuclear testing limitations area.

As indicated in the attached study, the United States has long sought a meeting with the Soviets to present our concerns about the verification provisions of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET). The United States and the Soviet Union recently agreed to have experts meet to discuss issues related to nuclear testing.

This meeting of experts, which took place in Geneva July 25-August 1, allowed the United States to present its ideas and concerns to the Soviet Union and to hear Soviet views. At the meeting, the United States presented its views of verification improvements in existing agreements which we believe are needed and achievable at this time. A follow-on meeting of U.S. and Soviet experts is scheduled for September. We hope the Soviet Union will join in a constructive dialogue.

RONALD REAGAN.

THE WHITE HOUSE, August 14, 1986.

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Allen, one of its clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 991. An act to provide authorization of appropriations for certain fisheries activities.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month"; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day".

The message further announced that the House has passed the following enrolled bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2631. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes;

H.R. 4260. An act to provide the Small Business Administration continuing authority to administer a program for small innovative firms, and for other purposes;

H.R. 4351. An act to withdraw and reserve certain public lands in Nevada for use by the Departments of the Air Force and the Navy, and for other purposes;

H.R. 4354. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes;

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes;

H.R. 5073. An act to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes;

H.R. 5316. An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes;

H.J. Res. 678. Joint resolution to designate October 1986 as "Crack/Cocaine Awareness Month";

H.J. Res. 692. Joint resolution to designate the week of October 19, 1986, through October 26, 1986, "National Housing Week"; and

H.J. Res. 694. Joint resolution to designate the week of December 14, 1986, through December 20, 1986, as "National Drunk and Drugged Driving Awareness Week".

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland.

The message also announced that pursuant to section 1928a of title 22, United States Code, the Speaker appoints Mr. SOLOMON as a member of the U.S. Group of the North Atlantic Assembly, vice Mr. O'Brien, deceased.

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5395. An act to increase the statutory limit on the public debt.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4151. An act to provide enhanced diplomatic security and combat international terrorism, and for other purposes; and

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2631. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry;

H.R. 4351. An act to withdraw and reserve certain public lands in Nevada for use by the Departments of the Air Force and the Navy, and for other purposes; to the Committee on Energy and Natural Resources;

H.J. Res. 678. Joint resolution to designate October 1986 as "Crack/Cocaine Awareness Month"; to the Committee on the Judiciary; and

H.J. Res. 694. Joint resolution to designate the week of December 14, 1986, through December 20, 1986, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4354. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes.

H.R. 5073. An act to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes.

H.R. 5316. An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore [Mr. THURMOND] reported that on today, August 14, 1986, he had signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

H.R. 2478. An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and with a preamble:

S.J. Res. 325: Joint resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes (Report. No. 99-403).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. 2759: An original bill relating to telephone services for Senators (Report. No. 99-404).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 269: Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 99-405).

By Mr. ABDNOR, from the Committee on Appropriations, with amendments:

H.R. 5294: A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and Independent Agencies, for the fiscal year ending September 30, 1987 (Rept. No. 99-406).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 4175: A bill to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission (Rept. No. 99-407).

By Mr. McCURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2055: A bill to establish the Columbia Gorge National Scenic Area, and for other purposes.

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 2721: A bill to amend the Agricultural Act of 1949 to modify cross compliance requirements for producers of extra long staple cotton, and for other purposes.

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2760: An original bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Mr. DANFORTH. Mr. President, today I rise on behalf of the Senate Commerce Committee to file S. 2760, the Product Liability Reform Act. This is an original bill that was approved by the Senate Commerce Committee on June 26. At the same time, I ask unanimous consent that Senators KASTEN, PRESSLER, LONG, FORD, and DODD be added as original cosponsors of this measure. I also ask unanimous consent that the bill be printed in the RECORD following my remarks. I would note that copies of the bill have been widely available since the beginning of July.

This important measure is being filed today, prior to the committee's formal report, in order to facilitate timely consideration of this bill by the full Senate. It is my expectation that the report on S. 2760 will be filed in the very near future.

Mr. President, The present system in the United States for resolving product liability disputes and compensating those injured by defective products is costly, inefficient, slow, inequitable, and unpredictable. It does not benefit manufacturers, product sellers, or injured persons. The system's excessive transaction costs are passed on to consumers; moreover, the unpredictability, uncertainties, and inefficiencies of the system have been linked to the increasing cost and unavailability of liability insurance. Because of the serious burden of interstate commerce imposed by these product liability problems, Federal legislation is needed.

S. 2760 addresses these problems. It is a bill that has evolved over the past few years out of efforts begun by Senator KASTEN, Senator GORTON, Senator DODD, and others. It is a bill that was shaped by the Commerce Committee during 6 days of executive session.

This measure contains a number of significant reforms of the product liability system. These reforms include a new, expedited settlement system that would create incentives for both plaintiffs and defendants to settle product liability claims in the initial stages of litigation; moreover, this settlement system provides greater certainty that those injured by defective products will be made whole for their actual losses without the excessive costs and delays of litigation.

In addition, S. 2760 modifies the doctrine of joint and several liability in product liability cases. It eliminates joint and several liability for so-called noneconomic damages—damages for pain and suffering. This provision was presented to the committee as an amendment by Senator PRESSLER; it is consistent with the approach adopted recently by the voters of California in a State referendum. It allows injured parties to be made whole for their economic loss, but limits a defendant's liability for noneconomic damages to his percentage of responsibility for the harm as determined by the trier of fact.

With respect to punitive damages, a higher burden of proof and uniform standard is established that requires clear and convincing evidence that the harm suffered was the result of conduct manifesting a conscious, flagrant indifference to the safety of persons who might be harmed by a product. Moreover, this measure contains a Government standards defense that bars the imposition of punitive damages awards against manufacturers of drugs or aircraft when these products have been subjected to premarket approval by the Food and Drug Administration or the Federal Aviation Administration.

S. 2760 also imposes a uniform liability standard for product sellers who are not manufacturers. Moreover, it provides that any damages awarded in a product liability action shall be reduced by any workers' compensation benefits recoverable by the plaintiff for the same harm, and it significantly reduces transaction costs in such cases by eliminating the employer's subrogation lien. These are important reforms.

This measure imposes, as well, uniform statutes of limitations and repose for product liability actions. It establishes a rule barring recovery in product liability cases by plaintiffs who are legally intoxicated and more than 50 percent responsible for their harm. In addition, it establishes sanctions to be imposed on attorneys who file frivolous lawsuits or delay litigation without good cause.

Other reforms in S. 2760 include a forum non conveniens rule that creates a presumption that when a foreign plaintiff suffers a product-related injury overseas, that claim should be

brought overseas. This bill establishes, too, uniform rules as to admissible evidence, and limits the use of evidence of subsequent remedial measures taken by manufacturers after harm has occurred.

This bill also imposes penalties for the destruction or concealment of material relevant to product liability actions. Finally, this bill requires the Secretary of Commerce to provide Congress with an annual report analyzing the impact of this legislation on product liability insurance.

I believe that this is a fair and balanced bill that effectively addresses the product liability problem; however, I recognize that at least one element of this measure has generated a great deal of controversy and that is the \$250,000 cap on pain and suffering awards when a settlement offer is rejected. I also recognize that if this cap had been removed from the bill the committee probably would have approved this measure by a margin greater than the 10 to 7 vote to report the bill.

I would like to explain in greater detail the rationale for this litigation on pain and suffering awards, which is imposed as an incentive for settlement in the most serious cases—those involving disfigurement, and loss of life, limb, or bodily function. This cap is intended as an incentive for defendants in such cases to offer payments of all of an injured person's actual economic losses that are not reimbursed by other sources plus \$100,000 for pain and suffering. This cap only applies if there is such an offer and it is rejected by the plaintiff. It is not an across-the-board limitation on recovery for pain and suffering in all product liability cases.

S. 2760 also imposes a \$50,000 cap on pain and suffering when an offer to pay actual economic losses is rejected in the great majority of cases involving less serious injuries. But that does not seem to be a major concern. It is the limitation on recovery in the most severe cases that has provoked the most controversy. Several members of the Commerce Committee, including Senator INOUE and Senator STEVENS, have expressed great concern about this cap on pain and suffering in cases involving severely injured persons.

This is an extremely volatile and emotional issue. But it is important to note that the \$250,000 cap is not merely a relief measure for manufacturers as some have suggested. The issue here is not the size of pain and suffering awards or how such awards have grown. The issue is how to provide swifter, more certain recovery for the seriously injured person, because the data shows that recovery in the average product liability case is delayed for years and that the tort system grossly overpays people with

small losses, while underpaying people with the most serious losses.

How then, does a \$250,000 cap help such people who are grossly under-compensated. It helps them because such a limitation on liability reduces the unpredictability of the litigation system and is a compelling incentive for defendants to offer to pay the injured person's actual losses, as they are incurred, plus an additional \$100,000, and to do so in the initial stages of litigation—not 5 years down the road, when the average product liability claim is paid.

During committee consideration of this proposal, Senator INOUYE eloquently described the plight of many of those who have been severely injured and are burdened by pain and suffering for the rest of their lives. Some of them are able to recover their economic losses and to receive some payment for their pain and suffering. But it is important to remember that many of these seriously injured parties may recover nothing at all because of the uncertainties of litigation. They face a legal system that has been compared to a lottery in which similar cases can produce vastly different results. And they also face years of delay and the costs of protracted litigation. As a consequence, victims with the worst injuries, facing the greatest economic hardships, often settle for far less than their full losses to meet pressing financial needs.

The purpose of the cap is to give these severely injured persons greater certainty of being paid in full for their out-of-pocket losses along with an additional \$100,000. It is not a mean-spirited idea to deprive the injured of just recompense but a tradeoff of predictability for defendants for certainty of recovery for those who have been injured.

Those injured by defective products seek full, swift, and more certain recovery. Manufacturers and product sellers seek greater certainty as to the scope of their liability. Manufacturers, product sellers, and consumers seek to reduce the excessive transaction costs of product liability disputes. The settlement system in the bill, with its limitations on liability is intended to address these concerns. I believe that by far the most important component of a meaningful product liability bill is such a system for fairly compensating victims without forcing them through the long and costly ordeal of full blown litigation.

The key to such a system is the incentives provided for settlements. There may be alternatives to the \$250,000 cap that will be effective, and we are open to consideration of such alternatives. In the weeks ahead, I will be working with Senator INOUYE, Senator STEVENS, and others to review this issue and to examine other viable approaches to this question.

Mr. President, I would like to add a few comments about our efforts to provide sequential referral of this measure to the Committee on the Judiciary.

Shortly after the committee ordered the bill reported, the Judiciary Committee requested a 30-day referral of the bill. After some negotiation, we offered 21 days. That was unacceptable to Democratic members of the Judiciary Committee.

Finally, in an effort to accommodate the concerns of the Judiciary Committee members, we agreed to meet their original 30-day referral request. At that point, Democratic members of the committee requested referral through September 12, a full 11 weeks after the Commerce Committee had acted, and more than 9 weeks after the members of the committee had been given copies of the bill.

In a final effort to accommodate the concerned members of the Judiciary Committee, during the week of July 21 we proposed two alternatives: A straight 30-day referral, or a referral lasting through September 12, conditioned on an agreement to limit debate on a motion to proceed to have the full Senate debate S. 2760. Both alternatives were rejected.

At that point, it seemed fruitless to continue the discussions. I made a good faith effort over several weeks trying to accommodate the Judiciary Committee. I regret that no agreement was reached. It is my understanding that the Judiciary Committee intends to hold a hearing on the measure. I would certainly welcome the committee's input when the measure is taken up on the Senate floor.

As a final comment, Mr. President, let me thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his consistent and determined efforts to try to work out a mutually satisfactory arrangement. He has been totally accommodating from the outset, and the failure to reach agreement should in no way reflect on his role or his leadership.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I

SHORT TITLE

- SEC. 101. This Act may be cited as the "Product Liability Reform Act".

DEFINITIONS

- SEC. 102. (a) As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health or accident insurance or plan, wage of salary continuation plan, or disability income or replacement service insurance or any benefit received or to be received as a result of participation in any pre-paid medical plan or Health Maintenance Organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself, incurred by persons regularly engaged in business activities consisting of providing goods or services for compensation;

(6) for the purposes of title II of this Act, "dignitary loss" means noneconomic loss resulting from harm caused by a product, compensable under State law, in the amount of \$100,000, and consisting of pain and suffering or mental anguish associated with (A) the death of a parent, child or spouse; (B) serious and permanent disfigurement; (C) loss of a limb or organ; or (D) serious and permanent impairment of a bodily function;

(7) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(8) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution and judgment that society expects of its members for the protection of their own interests and the interests of others;

(9) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss, with respect to which recovery is available under the commercial or contract law of the State;

(10) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(11) for purposes of title II of this Act, "net economic loss", in accordance with subsection (b) of this section, includes—

(A) reasonable expenses incurred for reasonably needed and used medical and rehabilitation care and services;

(B) lost income from work which the claimant would have performed if the claimant had not suffered harm, reduced by any income earned from substitute work actually performed by the claimant or by income the claimant would have earned in available appropriate work which the claimant was capable of performing but unreasonably failed to undertake;

(C) reasonable expenses incurred in obtaining ordinary and necessary services in lieu of those the claimant would have performed, not for income, but for the benefit of the claimant or the claimant's immediate family, if the claimant had not suffered the harm;

(D) lost earnings of a deceased person who suffered fatal harm caused by a product which, if the person had not died, would have been contributed to claimants who are entitled to receive benefits by reason of such person's death under the law of the place where the deceased person was domiciled; and

(E) reasonable expenses incurred by the claimant in preparation and submission of an offer of settlement or a response pursuant to section 201 of this Act, or in resolving a dispute involving the inclusion or exclusion of dignitary loss pursuant to section 201(d)(3) of this Act, including a reasonable attorney's fee,

less the total amount of collateral benefits paid or payable to the claimant by reason of the same harm;

(12) "non-economic loss" means loss caused by a product other than economic loss or commercial loss;

(13) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(14) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(15) "product" means any object, substance, mixture, or raw material in a gaseous, liquid or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(16) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(17) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(b)(1) The lost income taken into account under subsection (a)(11)(B) of this section shall be reduced by the amount of all Federal, State, and local income taxes and any Social Security or other payroll taxes which would be applicable to such income, but which would not be applicable to compensation paid under this Act.

(2) Where harm occurs in circumstances that might entitle a claimant to benefits (including workers' compensation benefits) which would reduce the amount of the claimant's net economic loss in accordance with subsection (a)(11) of this section and it cannot reasonably, within the time provided

for payment under section 205 of this Act or any reasonable extension of such time, be determined whether or in what amount such benefits will be payable, the defendant shall place in an interest-bearing escrow account that portion of the economic loss which the defendant reasonably anticipates the claimant will receive from collateral sources, until the claimant's right to such benefits and the amount of such benefits finally has been determined under applicable law.

(3)(A) The total amount of compensation for economic loss paid or payable to a claimant from any other source shall, for purposes of subsection (a)(11) of this section, be reduced by the amount of legal fees and other costs incurred by the claimant in collecting such compensation.

(B) Attorney's fees may be on a contingent basis but, for the purposes of subsection (a)(11) of this section, shall be calculated solely on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(4) Except as otherwise provided by any provision of Federal law, no program of compensation, whether public or private, the benefits of which would be deducted from a claimant's economic loss in order to calculate net economic loss under subsection (a)(11) of this section, may make payment of benefits secondary to payment of net economic loss by a defendant under this Act.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) except as provided in section 309 of this Act, affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any

other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect 90 days after the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) Any claimant may bring a civil action for harm caused by a product against the product's manufacturer or the product seller, pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement. For the purposes of this title, an offer of settlement shall be limited to a claim for payment of the claimant's net economic loss, pursuant to section 205 of this title, and any dignitary loss.

(c) Any defendant in such an action may make an offer of settlement for the claimant's net economic loss and any dignitary loss. Such offer shall be made by certified mail, return receipt requested, within ninety days after service of the claimant's complaint, or within the time permitted pursuant to applicable State or Federal law for the responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may make such an offer to the claimant within ten days after the court's determination regarding such motion. A copy of such offer shall be filed with the court within such time period.

(d)(1) The recipient of an offer of settlement made in accordance with subsection (b) or (c) of this section shall determine whether to accept or reject such offer, unless the recipient disputes the validity of such offer because of the inclusion or exclusion of dignitary loss. If such a dispute exists, paragraph (3) of this subsection shall apply.

(2) A recipient of such an offer shall provide to the offeror written notice of acceptance or rejection of such offer by certified mail, return receipt requested, within ninety days after the date on which such offer is

made. A copy of such notice shall be filed with the court within such time period.

(3) If, during such time period, the recipient of such an offer of settlement disputes the validity of such offer because of the inclusion or exclusion of dignitary loss, the recipient shall file a motion with the court for a determination as to the validity of the offer of settlement. Within fifteen days after the filing of such motion, the court shall rule as a matter of law on such motion. If the court finds that the offer of settlement is invalid, a new offer of settlement consistent with the court's ruling may be made by the offeror within ten days after the date of such finding, and a response to such offer must be made within the time period and in the manner specified in paragraph (2) of this subsection. Such offer shall be made by certified mail, return receipt requested, and if the plaintiff makes such an offer, such offer shall be sent to all defendants. If the court finds that the offer of settlement is valid, there shall be a period of ten days in addition to the applicable time period under this section in which the recipient may respond to such offer of settlement.

(e) In any case in which an offer of settlement is made under subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period for discovery. Any such order shall contain a schedule for discovery of evidence material to the issues of the circumstances of the harm and the appropriate amount of relief, and shall not extend such period for more than ninety days. Any such action shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material and is not, after reasonable inquiry, otherwise available to the moving party.

(f) Subject to subsection (e) of this section, and unless otherwise agreed by the parties, failure to respond to an offer of settlement within the applicable time period set forth in subsection (d) of this section shall be deemed to be a rejection of such offer of settlement, and the provisions of sections 203 and 204 of this title shall apply.

(g) Any person who makes an offer of settlement or who agrees to accept such an offer pursuant to this title shall be bound by the court's determinations as to any disputes involving net economic loss. Such disputes shall be resolved by the court on an expedited basis, unless the parties agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the rules of the court in which such action is maintained.

(h) When an offer of settlement is made in accordance with this section, a civil action brought by a claimant shall be stayed until—

(1) notification by the recipient of such offer pursuant to subsection (d) of this section; or

(2) failure to respond to such offer within the time periods specified in subsection (d) or (e) of this section.

This subsection shall not apply to a dispute regarding dignitary loss pursuant to subsection (d) of this section or to discovery pursuant to subsection (e) of this section.

RIGHTS UPON SETTLEMENT

SEC. 202. (a) Subject to the provisions of section 206 of this title, a claimant may not bring or maintain a civil action against any person for damages arising from the same harm if—

(1) any defendant has accepted the claimant's offer of settlement made pursuant to section 201 of this title and has paid or agreed in writing to make payment to the claimant pursuant to section 205 of this title; or

(2) any defendant's offer of settlement made in accordance with section 201 of this title has been accepted in writing by the claimant.

In such circumstances, the court shall dismiss the civil action of the claimant upon motion by any party to the settlement, except that the court shall retain jurisdiction for the purpose of resolving disputes concerning the extent of the claimant's net economic loss and for other purposes consistent with this title.

(b) If a claimant is precluded from bringing or maintaining a civil action under subsection (a) of this section, a defendant who has entered into a settlement with the claimant may not be made a defendant in any action brought by any other party for contribution, reimbursement, subrogation or indemnity for damages arising from the same harm, in the absence of a prior written agreement to the contrary, except as provided in section 206 of this title.

(c) Neither the claimant's employer nor any insurer shall have any right of subrogation, contribution, or indemnity against the defendant or any lien on the claimant's settlement from the defendant, nor shall the defendant have any right of contribution or indemnity against the claimant's employer or fellow employee.

REJECTION OF CLAIMANTS' OFFER OF SETTLEMENT

SEC. 203. (a) If a defendant rejects an offer of settlement made by a claimant in accordance with section 201 of this title, and a verdict is entered against the defendant in such action equal to or greater than the current value of such offer of settlement (as determined by the court), the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs, not to exceed \$100,000, incurred by the claimant from the date on which the defendant rejected such offer or failed to respond as provided in section 201 of this title until the date of entry of the claimant's judgment. Such fees shall be offset against, but shall not exceed, any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(b) The court shall review the amount for the claimant's reasonable attorney's fees and costs included in such judgment under subsection (a) of this section. The court shall reduce such amount if the court determines that the defendant had a reasonable basis for rejecting the offer of settlement made by a claimant in accordance with section 201 of this title because the case involved a novel question of law or complex questions of fact.

(c) For the purpose of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

RIGHTS UPON CLAIMANT'S REJECTION OF OFFER OF SETTLEMENT

Sec. 204. (a) In a civil action subject to this Act, if a defendant makes an offer of settlement pursuant to section 201 of this title and such offer is rejected by the claimant, the provisions of this section apply if the defendant is found liable in such action for harm to the claimant.

(b) The liability of the defendant for the claimant's economic loss shall not exceed the claimant's net economic loss.

(c)(1) The liability of the defendant for the claimant's noneconomic loss, other than punitive damages, shall not exceed \$250,000 in any case in which the court finds that recovery for dignitary loss is appropriate. Such a determination shall be made by the court prior to the entry of judgment.

(2) In any case other than a case specified in paragraph (1) of this subsection, the liability of the defendant for the claimant's noneconomic loss, other than punitive damages, shall not exceed two times the claimant's economic loss or \$50,000, whichever is less.

(d) In any such civil action tried by a jury, the jury shall be instructed to make specific findings of fact regarding the portion of any damage award allocable to economic loss and the portion of any damage award allocable to noneconomic loss. The jury shall not be instructed regarding the limitations on damages specified in subsections (b) and (c) of this section, but the award of damages in any such action shall be reduced by the court in accordance with such limitations.

(e) If more than one defendant joins in an offer of settlement made in accordance with section 201 of this title that is rejected by the claimant, the limitations on damages specified in this section shall apply in the aggregate to the liability of such defendants.

PAYMENT OF NET ECONOMIC LOSS

Sec. 205. (a) Subject to subsection (b) of this section and section 201 of this title, net economic loss shall be paid periodically as costs are incurred, but not later than thirty days after the date on which reasonable proof of the fact and amount of net economic loss incurred is submitted to any defendant who is a party to a settlement under this title.

(b)(1) An obligation to make payment of net economic loss may be discharged initially or at any time thereafter by a settlement agreement, including an agreement to make a lump-sum payment, except that no such discharge shall be made with respect to harm giving rise to an estimated value of net economic loss equal to or greater than \$10,000 unless the court determines that the settlement is fair to the claimant.

(2) A settlement agreement may be modified upon a finding that a material and substantial change of circumstances has occurred after the date on which the agreement was made or that there is newly discovered evidence concerning the claimant's physical condition, loss, or rehabilitation which could not have been known or discovered in the exercise of reasonable diligence prior to the date on which such agreement was made.

(3) The court, upon application of any party to the settlement, may make appropriate orders concerning the protection and disbursement of the proceeds of a settlement agreement entered into under this section.

(c) If a period of five years has elapsed after the most recent claim for payment is made with respect to the harm at issue, the

claimant shall not be entitled to receive payment for any additional net economic loss with respect to such harm.

REIMBURSEMENT

Sec. 206. (a) A defendant who has entered into a settlement with the claimant under this title shall be subrogated to any rights of the claimant against another person arising from or contributing to the harm at issue to the extent that the amount of loss paid or to be paid in the settlement exceeds such defendant's comparative proportion of responsibility for such loss.

(b) Any other person provided with notice by a defendant that an offer of settlement has been made shall, within ninety days after receipt of such notice, determine whether to contribute its proportionate share of such claim. Any potentially liable person who would benefit may join in the defendant's response to the claimant's offer of settlement or in an offer of settlement made by the defendant. Such person shall give written notice to the claimant and the defendant. A person who joins in such a settlement is deemed to have agreed to pay a share of the claimant's net economic loss pursuant to section 205 of this title and any dignitary loss, based on the comparative responsibility of all those joined in the settlement other than the claimant.

(c) Persons who join in a settlement pursuant to subsection (b) of this section shall be bound by the court's determination, made upon motion by any such person, of their proportionate shares of responsibility for the claimant's loss, unless such persons agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the rules of the court in which such action is maintained.

(d)(1) If any person who is responsible for causing the claimant's harm and who has received notice under subsection (b) of this section refuses to contribute such person's proportionate share of loss pursuant to this title, a defendant who has entered into a settlement agreement pursuant to section 201 of this title to pay such loss may recover from such person a total amount equal to the amount of subrogation recovery pursuant to this section plus one-half of the amount of such subrogation recovery, in addition to reasonable attorney's fees and costs incurred in seeking such subrogation recovery.

(2) If an action is brought under this section against another person (other than the claimant's employer or fellow employee) for contribution, reimbursement or indemnity and the action is not a civil action subject to this Act, such action shall be governed by applicable standards of liability under State or Federal law.

(e) For the purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

TITLE III

CIVIL ACTIONS

Sec. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable

State or Federal law, except such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

Sec. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

Sec. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of

those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller which caused the claimant's harm where—

(A) the drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h))) was subject to pre-market approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to pre-market certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft; and

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.).

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenance or operation of such aircraft.

UNIFORM TIME LIMITATIONS ON LIABILITY

Sec. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under

this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product.

(2)(A) With respect to any good other than a capital good, a manufacturer or product seller shall not be subject to liability to a claimant for harm caused by a product in any civil action subject to this title if the manufacturer proves, by a preponderance of the evidence, that the harm was caused after the product's useful safe life.

(B) A manufacturer or product seller may be subject to liability for harm caused by a product after its useful safe life if—

(i) the manufacturer has warranted that the product can be utilized safely for a time longer than the useful safe life;

(ii) the manufacturer intentionally misrepresents facts about the product or intentionally conceals information about the product and that concealment was the proximate cause of the claimant's harm; or

(iii) the harm was caused by exposure to a product, which exposure first occurred within the useful safe life of the product, even though the harm did not manifest itself until after such useful safe life.

(C) In any civil action brought pursuant to this paragraph, there is a presumption that the harm was caused after the useful safe life of the product if the harm was caused more than ten years after the time of delivery of the product. Such presumption may be rebutted by a preponderance of the evidence.

(3) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(4) As used in this subsection—

(A) the term "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold; and

(B) a product's "useful safe life" begins at the time of the first use of the product following delivery and extends for the time during which the product would normally be likely to perform or be stored, or both, in a safe manner.

(c) As used in this section, the term—

(1) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1954, and which was—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or other similar purposes; and

(2) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material or physical agent of particular chemical composition.

(d) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

COUNSEL'S LIABILITY FOR EXCESSIVE COSTS

Sec. 305. (a) In the case of any civil action subject to this title, any attorney or other person who is admitted to conduct cases in any court of the State in which such civil action is pending and whose conduct in the course of such action is calculated to delay resolution of the action, or who is determined by the court (after consideration of the circumstances) not to be in good faith, shall be subject to pecuniary sanctions to be imposed by the court. Any such sanction shall be equal to an amount not less than the total amount of court costs, fees, and expenses (including attorney's fees) reasonably attributable to the conduct.

(b)(1) Notwithstanding any other provision of law, if the court finds that an attorney representing either a claimant or a defendant in a civil action subject to this title acted in the manner prescribed in paragraph (2) of this subsection, such attorney shall be liable for costs, fees, and expenses, including attorney's fees reasonably incurred to respond to, proceed with, or resist such action.

(2) Any such attorney shall be liable as specified in paragraph (1) of this subsection if the court finds that such attorney commenced a civil action subject to this title or maintained a defense in such an action without a good faith belief by such attorney that there was a reasonable basis in law and in fact for the recovery of the damages (including punitive damages, if pleaded) or for such defense.

(3) The provisions of paragraph (1) of this subsection shall not apply if a claim for punitive damages is withdrawn at least thirty days prior to the commencement of trial.

(c) Nothing in this section shall be construed to subject an attorney to sanctions for pursuing a novel but credible theory of law or defense.

RECORD RETENTION

Sec. 306. (a) Any claimant and any person who is a party to a civil action subject to this title who anticipates bringing such an action, or who has notice that he or she may be made a party to such an action, shall retain all material, documents and other data (including, in the case of the claimant, the product alleged to have caused the claimant's harm) within such person's possession, custody or control that are relevant or may lead to the discovery of evidence relevant to the claim or action.

(b) In any civil action subject to this title, if the court determines that a party has willfully disposed of, destroyed, concealed, altered or removed any material, document or data in violation of subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, there shall be a rebuttable presumption that the facts to which the material, document or data relate are established in a manner adverse to the position of the party who has committed the violation. The court shall assess a civil penalty against such party in an appropriate amount not less than \$1,000 and order such party to pay the other party's costs, including reasonable attorney's fees, incurred in proving the violation.

(c) In any other civil action subject to this title, in which the court determines that a party has nonwillfully violated subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, and that no other means are available to establish the facts to which the unavailable

material, document or data relate, the court may, in the interest of justice, establish a rebuttable presumption that the facts to which the material, document or data relate are, for the purposes of such action, established in a manner adverse to the party who has committed the violation.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

SEC. 307. (a) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(c)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply to any civil action involving workplaces covered by a State-operated worker's compensation insurance fund, if the State had adopted, prior to June 3, 1986, a statute eliminating workers' compensation subrogation liens in cases where the claimant's employer or co-employee has been found to be at fault.

(d) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any co-employee or the exclusive representative of the person who was injured.

(e) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any co-employee or the exclusive representative of the person who was injured. Any action other than such a

workers' compensation claim shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or co-employee, where the claimant's harm was caused by such an intentional tort.

(f) Without regard to when the harm giving rise to the claim occurred, the provisions of this section shall not apply to any person subject to or covered by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.).

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 308. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

FORUM NON CONVENIENS

SEC. 309. Any court in which an action subject to this title is commenced shall decline to exercise jurisdiction over such action if the court determines that the convenience of the parties and the interests of justice dictate that the action should proceed in another State or foreign jurisdiction or that the plaintiff has taken up residence in the State in which the court is located principally for the purpose of invoking the jurisdiction of such court with respect to such action. In any such action maintained by a citizen of a foreign jurisdiction which arises out of a transaction which occurred in a foreign jurisdiction, there is created a presumption, rebuttable by clear and convincing evidence, that the action should proceed in a foreign jurisdiction.

ADMISSIBLE EVIDENCE

SEC. 310. (a)(1) All relevant evidence is admissible in any civil action brought pursuant to this Act, except as otherwise provided by the Constitution of the United States, Act of Congress, or any other rule prescribed by the Supreme Court of the United States pursuant to statutory authority, or, with respect to any action based on section 1332 of title 28, United States Code, by the Federal Rules of Evidence. Evidence which

is not relevant is not admissible in any such action.

(2) Evidence which is relevant may be excluded in any civil action brought pursuant to this Act if—

(A) its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence;

(B) such evidence is inadmissible hearsay under applicable State law; or

(C) the privilege of a witness, person, government, or State under applicable State law provides for the exclusion of such evidence.

(3) As used in this subsection, the term "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without such evidence.

(b) Evidence of measures taken after an event, which if taken previously would have made the event less likely to occur, is not admissible to prove liability in any action subject to this title, in connection with the event. This section does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 311. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, a manufacturer or product seller may assert in complete defense of such action that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was under the influence of intoxicating alcohol shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE IV

PRODUCT LIABILITY INSURANCE REPORTING

SEC. 401. (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall provide to the Congress before June 30 of each year after the date of enactment of this Act a report analyzing the impact of this Act on insurers which issue product liability insurance either separately or in conjunction with other insurance; and on self-insurers, captive insurers and risk retention groups.

(b) To carry out the purposes of this section, the Secretary shall collect from each

insurer all data considered necessary by the Secretary to present and analyze fully the impact of this Act on such insurers.

(c) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to implement the purposes, and carry out the provisions, of this section. Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Such regulations shall—

(1) require the reporting of information sufficiently comprehensive to make possible a full evaluation of the impact of this Act on such insurers;

(2) specify the information to be provided by such insurers and the format of such information, taking into account methods to minimize the paperwork and cost burdens on such insurers and the Federal Government; and

(3) provide, to the maximum extent practicable, that such information is obtained from existing sources, including, but not limited to, State insurance commissioners, recognized insurance statistical agencies, the Administrative Office of the United States Courts and the National Center for State Courts.

(d) The Secretary may subpoena witnesses and records related to the report required under this section from any place in the United States. If a witness disobeys such a subpoena, the Secretary may petition any district court of the United States to enforce such subpoena. The court may punish a refusal to obey an order of the court to comply with such a subpoena as a contempt of court.

● **Mr. HELMS.** Mr. President, on behalf of the Senate Committee on Agriculture, Nutrition, and Forestry, I am filing S. 2721, a bill ordered reported by the committee.

I ask unanimous consent that the text of the bill be printed in the RECORD and that a section-by-section analysis and a statement showing changes in existing law also be printed, immediately following the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS COMPLIANCE FOR PRODUCERS OF EXTRA LONG STAPLE COTTON.

Paragraph (16) of section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)(16)) is amended to read as follows:

"(16)(A) Notwithstanding any other provision of law, except as provided in subparagraph (B), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(B) In the case of each of the 1989 and 1990 crops of extra long staple cotton, the Secretary may require that, as a condition of eligibility of producers for loans or payments under this subsection, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

"(C) Notwithstanding any other provision of law, in the case of each of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the program authorized by this subsection may not be required as a condition of eligibility for loans, purchases, or payments under any other commodity program."

SEC. 2. LOCAL AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES.

The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) (as amended by section 3 of Public Law 99-253 (100 Stat. 36)) is amended—

(1) by inserting after the third sentence the following new sentence "Notwithstanding the preceding sentence, there may be 1 local administrative area in any county for which there had been established less than 3 local administrative areas as of December 23, 1985,"; and

(2) in the sixth sentence (as it existed before the amendment made by paragraph (1)), by striking out "Provided," and all that follows through the period and inserting in lieu thereof a period.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend paragraph 16 of section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)(16)) to provide that, in the case of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the extra long staple cotton program could not be required as a condition of eligibility for loans, purchases, or payments made under any other commodity program. The Secretary is authorized to require compliance with the terms and conditions of the extra long staple cotton program as a condition of eligibility for loans, purchases, or payments made under other commodity programs for the 1989 and 1990 crops.

Section 2 of the bill would amend the fifth and sixth sentences of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to authorize the Secretary of Agriculture to permit the continuation of one local Agricultural Stabilization and Conservation administrative area in those counties that had one such area on the date of enactment of the Food Security Act of 1985 (December 23, 1985).

CHANGES IN EXISTING LAW MADE BY S. 2721

Changes in existing law made by S. 2721 are shown as follows (existing law proposed to be deleted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

Agricultural Act of 1949

Sec. 103. (a) * * *

(h)(1) * * *

[(16) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.]

(16)(A) Notwithstanding any other provision of law, except as provided in subparagraph (B), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

(B) In the case of each of the 1989 and 1990 crops of extra long staple cotton, the Secretary may require that, as a condition of eligibility of producers for loans or payments under this subsection, the acreage planted for harvest of the farm to any other

commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

(C) Notwithstanding any other provision of law, in the case of each of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the program authorized by this subsection may not be required as condition of eligibility for loans, purchases, or payments under any other commodity program.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

Sec. 8 (a) * * *

(b) * * * In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for local committee and hold an election. Notwithstanding the preceding sentence, there may be 1 local administrative area in any county for which there had been established less than 3 local administrative areas as of December 23, 1985. Each local administrative area shall have one local committee consisting of at least three members elected to three-year terms in a local election to be held every third year, except that there may be more than one local committee per administrative area in counties that, as of the date of enactment of the Food Security Act of 1985, have more than three local committees. Only one local administrative area shall hold an election in any given year in each county. Only farmers within a local administrative area who are producers who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area [Provided, That the foregoing requirement of this sentence shall not apply to any county that, on the date of enactment of the Food Security Act of 1985, had less than three local administrative areas]. Only farmers who are participating or cooperating producers within an area shall be eligible to vote in the election in that area. Each local committee shall meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level of effect on December 31, 1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation. The meetings of a local committee shall be held on different days of the year. The members of the local committee shall, in the county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held on or after the effective date of this sentence, one member of the county committee shall be elected for one year; one member shall be elected for two years; and

one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the effective date of this sentence). The local committee in each county shall (A) in a county in which there is more than one local committee, serve as advisors and consultant to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee, the State committee, and other interested persons on changes to or modifications of farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify. The Secretary shall ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that contain agricultural producers who might be affected by such changes. The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committee, hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right of interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting

crop and practices, (b) soil-building crops and practices.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

William H. Rehnquist, of Virginia, to be Chief Justice of the United States; and Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs:

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

By Mrs. HAWKINS (for herself, Mr. LAXALT, and Mr. HECHT):

S. 2758. A bill to authorize the exchange of certain lands in the States of Nevada and Florida; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS from the Committee on Rules and Administration:

S. 2759. An original bill relating to telephone services for Senators; placed on the calendar

By Mr. DANFORTH from the Committee on Commerce, Science, and Transportation:

S. 2760. An original bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; placed on the calendar.

By Mr. MOYNIHAN:

S. 2761. A bill to amend the Tariff Schedules of the United States to temporarily suspend the duties imposed on doll wig yarns; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2762. A bill to amend the Job Training Partnership Act to establish a Literacy Training Demonstration Program to serve individuals most in need of literacy skills who are not presently being served; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 2763. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Relations.

By Mr. DeCONCINI (for himself, Mr. D'AMATO, Mr. CHILES, Mr. MOYNIHAN, Mrs. HAWKINS, and Mr. DIXON):
S. 2764. A bill to authorize appropriations for fiscal year 1987 for increased activities to interdict and control drug trafficking and to control drug abuse, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. STAFFORD, Mr. CHAFFEE, Mr. MITCHELL, Mr. ROTH, and Mr. DURENBERGER):

S.J. Res. 399. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DeCONCINI, and Mr. MOYNIHAN):

S.J. Res. 400. Joint resolution designating the month of September 1986 as "National Back to School—Back Off Drugs Month"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. QUAYLE, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BURDICK, Mr. HOLLINGS, Mr. DIXON, Mr. SASSER, Mr. ZORINSKY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. LAUTENBERG, Mr. DeCONCINI, Mr. BOSCHWITZ, Mr. CHILES, Mr. CHAFFEE, and Mr. HATCH):

S.J. Res. 401. Joint resolution to designate the week of October 12, 1986, through October 18, 1986, as National Job Skills Week; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 480. Resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Harry E. Claiborne; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 481. Resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Harry E. Claiborne; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

COMPUTER MATCHING AND PRIVACY PROTECTION ACT

Mr. COHEN. Mr. President, today I am introducing the Computer Matching and Privacy Protection Act of 1986 to ensure that the Government adequately respects the rights of individual citizens when conducting computer matching programs. I am pleased that

Senator LEVIN is joining me as a cosponsor of this legislation.

Over the past few years, I have become increasingly concerned over the widespread use of computer matching by Federal and State government agencies. In matching programs, agencies routinely exchange and cross-check information from two or more data bases to find individuals common to both. Most often, matching programs are performed to detect fraud, abuse, or overpayments in Government programs. The Department of Education has, for example, cross-checked its lists of delinquent student loans with lists of Federal employees to determine whether any student loan defaulters work for the Federal Government, and soon each State agency administering AFDC, food stamp, and other welfare benefit programs will be matching their lists of applicants and recipients with Internal Revenue Service files to search for unreported assets or earnings. A single matching program could exchange the records of thousands of citizens at one time.

Although most citizens do not even know what computer matching is, the expansion of matching programs over the past few years has been staggering. The Office of Technology Assessment recently estimated that the number of computer matches performed by the Federal Government tripled between 1980 and 1984, with over 2 billion separate records being exchanged during this period. Many of these matches involved very personal information, such as income and employment data, on individual citizens.

Mr. President, the Federal Government would be remiss if it did not take full advantage of advanced technology to ensure that it is spending tax dollars wisely. In many instances, computer matching is a useful, efficient tool to protect the integrity of Government programs. In our pursuit of efficiency, however, we cannot become insensitive to the fundamental rights of our citizens. What is today seen as an ally against fraud and waste could grow into an enemy of the very liberties that we profess to cherish most.

Computer matching programs, unless properly conducted and controlled, can pose serious threats to the privacy and due process rights of individuals whose records are matched. Since 1982, the Subcommittee on Oversight of Government Management, which I chair, has extensively investigated computer matching by Government agencies. The subcommittee's hearings and investigation revealed tremendous potential for abuse in computer matching programs because there are no mandatory rules for agencies to follow when performing matches, little protection for the persons whose records are matched,

and little oversight of how these programs are conducted.

In matching programs, individuals can have crucial government benefits reduced or terminated solely on the basis of unverified information produced by a computer match—information that can be out of date, misleading, or just plain wrong. Citizens can be—and have been in the past—placed in the difficult position of having to defend themselves against information that has never even been reviewed by a human being for its accuracy. Anyone who has ever done battle with a computer for a billing error or some other problem knows how frustrating it can be to prove that the computer made a mistake. Much more than simple frustration is at stake when essential Government assistance, such as AFDC or food stamps, can be cut off because of faulty computer matching results.

There is now very little oversight of matching programs to determine how they are being conducted. Without vigilant oversight and strict procedures for agencies to follow, the powerful tool of the computer can be easily abused. Unchecked disclosures and exchanges of personal records could result in "fishing expeditions" by overzealous government officials who may be insensitive to the privacy and confidentiality rights of citizens. Loose oversight and matching requirements could also expose sensitive personal records to computer security risks or other abuses of data.

The legislation I am introducing today attempts to strike the proper balance between the legitimate needs of government efficiency and personal privacy.

First, the bill requires Federal agencies to enter into written agreements before disclosing records for use in matching programs. These written agreements are required for matching programs between Federal agencies or between Federal and State government agencies. The legislation specifies several elements that must be addressed in these agreements, such as procedures agencies must follow in securing records used in matches and conditions governing return and destruction of data after a match has been completed. The agreements must also include certain prohibitions on what agencies can do with data used in matching, such as prohibitions on re-disclosing the information and creating new, permanent files about persons who are identified as "hits" in computer matches. These agreements will force agencies participating in matches to establish and observe basic safeguards on information that they exchange. The agreements will also provide an important audit trail of how matches are performed, thus facilitating oversight of matching by the

Office of Management and Budget, the Congress, and agencies themselves.

My legislation also remedies the lack of attention paid to the privacy implications of matches by establishing Data Integrity Boards in each agency subject to the Privacy Act of 1974. These Boards, which would consist of senior officials and staff, would serve as the principal policymakers and overseers of the agency's implementation of the Privacy Act. In addition to advising agency personnel on privacy issues, the boards are given responsibility to review, approve, and maintain the matching agreements required by this act, and to annually review all matches in which the agency has participated. Those boards, which are modeled after the Department of Defense's Defense Privacy Board, should enhance privacy as a priority of each agency.

Finally, my legislation ensures basic due process protections of individuals whose records are matched. Specifically, it prohibits agencies from reducing, suspending, or terminating Federal financial assistance on the basis of information produced by a matching program without first verifying the information for accuracy, providing notice to the individual involved, and providing individuals with an opportunity to refute the information produced by the computer match. These basic elements are not only principles of fairness, but are also good management practices for agencies to follow.

Mr. President, we cannot—nor would we want to—reverse the trends of computerization in our society. We must, however, pay adequate attention to the individual's side of the equation when reducing fraud in Government. We must take care not to allow the beast of technology to overtake the values of our democracy.

I look forward to working with Government managers and citizen groups in developing this legislation to strike the most appropriate balance between Government efficiency and personal privacy.

I ask unanimous consent that the text of the Computer Matching and Privacy Protection Act of 1986 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Matching and Privacy Protection Act of 1986".

SEC. 2. MATCHING AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (11),

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; or", and

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

"(13) to a matching agency or a non-Federal matching entity pursuant to a written matching agreement under subsection (c) of this section."

(b) **MATCHING AGREEMENTS.**—Section 552a of title 5, United States Code, is amended—

(1) by redesignating subsections (o), (p), and (q) as subsections (p), (q), and (r), respectively, and

(2) by inserting after subsection (n) the following new subsection:

"(o) **MATCHING AGREEMENTS.**—At least 30 days prior to disclosing any record to a matching agency or non-Federal matching entity for use in a computer matching program or front-end eligibility verification program, a source agency and the matching agency or non-Federal matching entity shall enter into a written agreement specifying—

"(1) the justification, purpose, and legal authority for conducting the program;

"(2) a description of the records that will be matched, including the data elements that will be used, the number of records that will be matched, and the projected starting and completion dates of the matching program;

"(3) that individuals whose records are matched will be notified of such matching program or front-end eligibility verification program and the procedures for providing such notice;

"(4) that information produced by matching programs or front-end eligibility verification programs will be verified and the method of such verification;

"(5) that records created by such program shall be retained only so long as an investigation, either criminal or administrative, is active, and procedures for destroying such records created by the program;

"(6) safeguards to ensure administrative, technical, and physical security of the records matched and the results of such programs;

"(7) prohibitions on the duplication or re-disclosure of records provided by the source agency within or outside the matching agency or non-Federal matching entity conducting the matching program or front-end eligibility verification program, unless authorized by the source agency;

"(8) prohibitions on the extraction or compilation of data on individuals who are not identified as a result of the matching program or front-end eligibility verification program;

"(9) terms and conditions governing the use of the records provided by the source agency for use in a matching program or front-end eligibility verification program, such as procedures governing return to source agency or destruction of records used in such program; and

"(10) information on any reliability assessments that have been conducted on the records that will be matched."

SEC. 3. NOTICE OF MATCHING PROGRAMS OR FRONT-END ELIGIBILITY VERIFICATION PROGRAMS.

(a) **NOTICE IN FEDERAL REGISTER.**—Subsection (e) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and

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

"(12) with respect to any establishment or revision of a matching program or front-end eligibility verification program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision."

(b) REPORT TO CONGRESS AND OFFICE OF MANAGEMENT AND BUDGET.—

(1) **IN GENERAL.**—Subsection (p) of section 552a of title 5, United States Code, as redesignated by section 2(b)(1) of this Act, is amended by striking out "system of records" and inserting in lieu thereof "system of records, matching program, or front-end eligibility verification program".

(2) **CLERICAL AMENDMENT.**—The heading of such subsection (p) is amended by inserting "or Programs" after "systems".

SEC. 4. DATA INTEGRITY BOARD.

Section 552a of title 5, United States Code, as amended by section 2(b)(1) of this Act, is amended by adding at the end thereof the following new subsection:

"(s)(1) **DATA INTEGRITY BOARDS.**—Every agency shall establish a Data Integrity Board to oversee and coordinate the agency's implementation of this section.

"(2) Each Data Integrity Board shall consist of senior officials designated by the head of the agency, including the senior official responsible for agency administration, the senior official designated under section 3506(b) of title 44, United States Code, and any senior official designated by the head of the agency as responsible for implementation of this section.

"(3) Each Data Integrity Board shall perform the following functions:

"(A) serve as the principal policymaker and overseer of the agency's implementation of this section;

"(B) develop, review, and coordinate privacy training programs for the agency's personnel;

"(C) review, approve, and maintain all written agreements for disclosure of agency records for matching programs of front-end eligibility verification programs to ensure compliance with subsection (o), and all relevant statutes, regulations, and guidelines;

"(D) annually review all matching programs and front-end eligibility verification programs in which the agency has participated during the year, either as a source agency or matching agency, to determine compliance with applicable laws, regulations, and agency agreements;

"(E) annually review all recurring matching programs in which the agency has participated during the year, either as a source agency or matching agency, continued justification for such disclosures, and compliance with applicable laws, regulations, and agency agreements;

"(F) compile an annual report to the head of the agency, the Office of Management and Budget, and the Congress on the matches in which the agency has participated as a source agency or matching agency;

"(G) receive information on the accuracy and reliability of records provided by the source agency for use in matching programs or front-end eligibility verification programs;

"(H) provide interpretation and guidance to agency components and personnel on the requirements of this section; and

"(I) review agency recordkeeping and disposal policies and practices to assure compliance with this section.

"(4) Each Data Integrity Board shall maintain such staff as necessary to carry out its functions specified by this subsection. Such staff includes persons designated

by the head of the agency as responsible for implementation of this section."

SEC. 5. VERIFICATION.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, in order to protect any individual whose records are used in matching programs or front-end eligibility verification programs, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to such individual, or take other adverse action against such individual as a result of information produced by such programs, until such agency or entity has independently verified such information. Such independent verification may be from third-party sources or the individual whose records are matched.

(b) **INDEPENDENT VERIFICATION.**—Independent verification required by subsection (a) of this section shall relate to—

(1) the amount of the asset or income involved.

(2) whether such individual actually has or had access to such asset or income for such individual's own use, and

(3) the period or periods when the individual actually had such asset or income.

(c) **OPPORTUNITY TO REFUTE INFORMATION.**—Notwithstanding any other provision of law, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to any individual described in subsection (a), or take other adverse action against such individual as a result of information produced by a matching program or a front-end eligibility verification program, until such agency or entity has provided such individual an opportunity to refute the information produced by such program.

(d) **NOTICE OF DECISION.**—Notwithstanding any other provision of law, in all cases involving denial, reduction, suspension, or termination of Federal financial assistance as a result of information produced by a computer matching program or front-end eligibility verification program, an individual shall be provided with notice of the findings of the matching agency or non-Federal matching entity made on the basis of verified information, of the adverse action to be taken, and information on the right to appear and any opportunity for a hearing.

(e) **SANCTIONS.**—Notwithstanding any other provision of law, no source agency may disclose any record or system of records to a matching agency or non-Federal matching entity for a matching program or front-end eligibility verification program if such source agency has reason to believe that the requirements of this section and any matching agreement entered into pursuant to section 552a(o) of title 5, United States Code, are not being met by such matching agency or entity.

(f) **DEFINITIONS.**—For purposes of this section—

(1) The terms "matching program", "front-end eligibility verification program", "matching agency", "non-Federal matching entity", "record", and "source agency" shall have the meanings given to such terms by section 552a(a) of title 5, United States Code.

(2) The term "Federal financial assistance" means any assistance provided through a Federal grant, loan, or contract of insurance or guaranty.

SEC. 6. DEFINITIONS.

Subsection (a) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6),

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(8) the term 'matching program' means any computerized comparison of two or more automated systems of records or a system of records with a set of non-Federal records to identify individuals common to two or more of the systems of record or unique to one of the systems of record, but such term does not include—

"(A) matches done to produce a statistical record; or

"(B) matches performed by an agency in which no records or systems of records are disclosed to other agencies or non-Federal entities;

"(9) the term 'front-end eligibility verification program' means the certification of accuracy of information supplied by an applicant for Federal financial assistance (as defined in section 5(e)(2) of the Computer Matching and Privacy Protection Act of 1986) by matching such information against a computerized data base;

"(10) the term 'matching agency' means the agency performing a matching program;

"(11) the term 'source agency' means the agency which discloses records from a system of record to be used in a matching program or a front-end eligibility verification program; and

"(12) the term 'non-Federal matching entity' means any State or local government, or agency thereof, which acts as a matching or source agency for matching programs or front-end eligibility verification programs involving Federal Government data."

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

SCHOOL-BASED ADOLESCENT HEALTH ACT

● Mr. SIMON. Mr. President, adolescents are probably the most medically underserved population in the country, and in low-income areas this is especially true. Illinois, Minnesota, Maryland, and 13 other States have made health care for youth a priority. These States have supported the decision of local school boards to establish health clinics providing a full range of services in high schools.

Through school-based clinics these States have had success in diagnosing and addressing a range of health and social problems of adolescents, such as malnutrition, poor eyesight, handicaps, undiagnosed disease, and teen pregnancy. About 50 such clinics exist and about 60 more are in the works—but many more than this are needed, and those that exist need and deserve our support. I am introducing a bill which would amend the public Health Service Act to establish school-based adolescent health services demonstration projects. A similar bill has been introduced in the House by Representatives WAXMAN, MILLER, and ATKINS.

School-based clinics are primary health care clinics located on the grounds of junior and senior high schools. They are staffed by nurses and/or physicians, and often also include social work professionals.

Typically they are not administered by the schools themselves but by hospitals, public health departments, and nonprofit organizations.

Parental consent is required before students can use clinic services, and efforts are made to involve the parents in the program.

The services offered cover a broad range of health-related problems. They provide both preventative and emergency care. Services range from general physicals to testing for genetic diseases such as sickle cell anemia to treating sexually transmitted diseases, to immunizations, first aid, and substance abuse programs.

Pregnant teens receive prenatal care through the clinic. Often these teen mothers are also given parenting education and referrals to child health programs such as WIC. The clinics often provide family planning services to help prevent unwanted pregnancy and keep these young women in school—educational, nondirectional counseling, and referral family planning services typically represent 20 percent or less of the clinics' services.

A number of the current clinics around the country also address issues such as school dropout, day care, gang resistance, and suicide.

One of the worst social problems that the United States faces today is a staggering rate of teenage pregnancy. In 1981, nearly 15 percent of all babies born here were born to teenage mothers. Our country has the highest teen pregnancy rate of any Western industrialized nation in the world. This is unacceptable. We need to act, and act now. The school-based clinic is one of the very few methods of combating teen pregnancy that has been found to be significantly successful.

The annual national cost of teen pregnancy, in just dollar terms, is estimated to top \$16 billion per year. But there are much greater costs still: As the Colorado State Task Force on Teen Pregnancy said,

Millions of babies are being condemned to poverty, poor health, poor educations and poor prospects for their own adult futures.

Add to this the extraordinarily high rates of school dropout, welfare dependence, and abortion for unmarried teen mothers, and the human cost of this crisis becomes clearer.

Women under age 20 are twice as likely to bear premature and low birth-weight babies. These babies are medically at risk, and require expensive care. Premature births and low birth weights can be avoided to a great extent with prenatal care—but few teens have the resources or initiative to seek it.

Another face of this problem is that twice as many females drop out of high school due to pregnancy than all other medical reasons combined. In a high school in Chicago, over 65 percent of the young women who dropped out said they had left school because they were pregnant. How many of them will ever return to get their high school diploma? Without it, how many will be able to provide even a decent standard of living for their children?

Several of the school-based clinic programs have been in place for a decade now, so plenty of long-term research is available. Examples of their success, and their necessity, abound. Sixty-three percent of the students at a Kansas City school-based clinic said they would not have gone elsewhere for treatment. In a Dallas clinic, up to 30 percent of the patients were found to have undiagnosed health problems. In a St. Paul, MI, high school with a clinic, the dropout rate declined 35 percent. The 10-year-old program in St. Paul has achieved a 66-percent reduction in the student fertility rate, and kept an astonishing 87 percent of their adolescent mothers in school after delivery. The national rate for teen mothers to get pregnant again within 2 years of giving birth is 33 percent. For those who returned to their St. Paul schools with clinics, it was only 1.4 percent.

The proposed bill would give the Secretary of the Department of Health and Human Services the authority to make grants for demonstration projects. The program would be administered by the same unit that administers the maternal and child health services block grants in the Department of Health and Human Services. It recommends an appropriation of \$50,000,000 for each of fiscal years 1987 through 1990 for this title. This is money which, I think, we cannot afford not to spend. Recall that the public cost of teenage pregnancy alone was estimated at \$16 billion per year.

The amendment stipulates that the States and localities bear an increasing percentage of the program costs over the 4-year demonstration period. It would also provide that charges for services be adjusted according to the income of the adolescent patient. School-based clinics established under this bill must maintain confidentiality of records, while following parental notification regulations where applicable. Where a project serves a substantial proportion of students with limited English-speaking ability, bilingual or translation services must be provided. At the option of the service provider in each locality, other individuals under the age of 21 who live in the school district or districts served by the project may qualify for services.

I am very proud to be associated with the growth and development of

school-based clinics in our country. It is my hope that my colleagues will join me in supporting this demonstration project. ●

By Mr. GRASSLEY:

S. 2762. A bill to amend the Job Training Partnership Act to establish a Literacy Training Demonstration Program to serve individuals most in need of literacy skills who are not presently being served; to the Committee on Labor and Human Resources.

LITERACY TRAINING DEMONSTRATION ACT OF 1986

● Mr. GRASSLEY. Mr. President, throughout the course of the Congress, the Finance Committee has held hearings to gather information on trade-related issues in order to design a trade bill to enhance America's position in international trade. We've heard that American industries need a supply of skilled workers to remain competitive in the global market. A re-occurring concern has been the need to address training opportunities for the unemployed and retraining for displaced workers in industries that have been adversely affected by unfavorable international trade conditions.

At a recent hearing of productivity and competitiveness, Dr. Norwood from the Bureau of Labor Statistics emphasized that, while many displaced workers will find new jobs on their own, there are many other unemployed adults and displaced workers who are illiterate. They cannot read a newspaper help-wanted ad or fill out a job application. They will not find a job on their own. They need help.

I think most of us have heard at least once some of the staggering statistics: 25 million American adults are considered functionally illiterate—they lack the reading, writing, comprehension, and simple math skills necessary to function in society beyond the most minimal level—fourth grade. Another equally large number of Americans are considered only marginally literate—their basic skills fall in the range of the fifth through eighth grade levels.

Yet a more staggering statistic is the cost. A direct correlation has been established between the number of illiterate adults unable to perform at the standard necessary for available employment, and the money allocated to child welfare cost and unemployment compensation. And the total cost of illiteracy to society has been estimated to exceed \$200 billion a year, when calculated in terms of welfare payments, crime, job incompetence, industrial and military accidents, prison programs, lost taxes, and remedial education programs administered both publicly and by private industry.

Currently, the Adult Basic Education Program administered under the Department of Education, does provide remedial education services to ap-

proximately 2.6 million adults across the country. And another 1.4 million adults are receiving services in a variety of smaller literacy programs, both public and private. But this totals only 4 million. The majority of the functionally illiterate population is not being served. This is tragic loss to the individual and a drain on our Nation's productivity.

We must do something to rectify this loss. However, we need to realize that the task of improving basic skills for an adult who did not achieve success in school as a youth, is not easy. Often the individual must first overcome the embarrassment associated with the stigma of being illiterate, recognize the advantages of literacy training, and then make the personal decision to invest the time for self-improvement. To move from a fourth-grade level to an eighth-grade level may well require 2 years of hard work. In the best of scenarios under current programs, less than one-half of the 4 million in remedial education programs will move out of the pool of illiterates in any given year. And even more bleak are the estimates that 1.5 to 2.3 million new illiterates are being added to the pool each year, chiefly from school dropouts and foreign immigrants.

The Job Training Partnership Act programs, administered by the Department of Labor, have shown success in providing some basic education skills, training, and job placement services for unemployed or displaced workers. But JTPA does not address the needs of the functionally illiterate adult population. JTPA's remedial education component is of too short a duration to adequately prepare an illiterate adult for its job-training component. Most of the occupations for which JTPA training programs have been developed require at least a seventh-grade reading level and a working knowledge of fractions, decimals, and often some algebra and geometry. It's a catch-22 situation for the illiterate adult who wants to obtain training through JTPA programs. Requirements for success in the training program and on the job exceeds his or her abilities.

Mr. President, I believe that Congress must act to bridge the existing gaps in the Nation's literacy and job training programs. Our current efforts are just not sufficiently addressing the scope of the adult illiteracy problem. The Finance Committee will soon begin markup on a trade bill that will address measures to enhance the competitiveness of American industry. I intend to introduce an initiative that will expand opportunities for individuals who want to gain entry into our Nation's work force, but are lacking the basic skills needed to obtain employment or to even participate in job training programs such as JTPA.

My initiative is a 2-year pilot project calling for the establishment of community-based programs to provide 1-to-1 tutorial service to any individual seeking help. It would involve the participation of postsecondary institutions who are eligible providers of JTPA programs, employment service agencies, local social service agencies, the local PIC's [private industry councils] and local volunteer service organizations. It calls for the delivery of free tutoring services under flexible hours, and a variety of locations in communities so that individuals can get help near where they live. It also encourages optional use of computer-assisted instruction in appropriate situations, so individuals will gain the additional benefit of becoming familiar with new technology, once they have progressed in skill development and self-esteem in the nurturing environment of a 1-to-1 tutor.

Mr. President, I would like to invite my colleagues to sign on as cosponsors for this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Literacy Training Demonstration Act of 1986".

SEC. 2. Title IV of the Job Training Partnership Act is amended by adding at the end thereof the following new part:

"PART H—LITERACY
DEMONSTRATION PROGRAM

"PURPOSE

"Sec. 491. The purpose of this part is to—

"(1) establish community-based literacy training programs to improve the basic reading, writing, and computational skills of unemployed, underemployed, and displaced workers;

"(2) enable such workers to gain employment or to benefit from further training assistance from programs under this Act; and

"(3) improve productivity and enhance the competitiveness of the United States in the global marketplace through adult literacy initiatives that enable unemployed, underemployed, and displaced workers to gain new job skills.

"PROGRAMS AUTHORIZED

"Sec. 492. (a) In order to improve productivity and enhance the competitiveness of the United States in the global marketplace through adult literacy initiatives for unemployed, underemployed, and displaced workers who are not otherwise served by Federal programs, the Secretary is authorized to award grants and enter into contracts with postsecondary institutions participating in any program pursuant to title II of this Act to establish literacy training programs.

"(b) The Secretary may not award a grant in excess of \$200,000, for the two fiscal year period of fiscal year 1987 and fiscal year 1988, to any postsecondary institution with an approved plan submitted pursuant to section 493.

"LITERACY TRAINING PLAN

"Sec. 493. Each postsecondary institution participating in any program pursuant to

title II of this Act seeking a grant under section 492 shall submit a plan to the Secretary. Each plan shall be submitted to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each plan shall—

"(1) describe a strategy to identify and serve unemployed, underemployed, and displaced workers most in need of literacy training, at no cost to such workers;

"(2) describe planned involvement of professionals of such postsecondary institution and volunteer civic organizations to provide reading, writing and computational mentors to work with such workers on an individual basis under flexible hours and in community locations;

"(3) describe the resources to be committed by such institution, including—

"(A) the amount of funds derived pursuant to part C of title IV of the Higher Education Act of 1965, relating to the work study program, which may be used to pay students to serve as tutors in the literacy program;

"(B) the use of supplemental computer-assisted instruction wherever feasible; and

"(C) the use of computer equipment for the literacy program, which may be provided by or donated to the institution;

"(4) provide for—

"(A) coordination by the institution with the State employment service agencies, local social service agencies, the local private industry councils established under section 102 of this Act, and other local volunteer service organizations; and

"(B) coordination between programs under this part and any other Federal program, including other programs under this Act; and

"(5) provide for the conduct of an evaluation and report on the achievement attained under the program by the institution to the Secretary.

"USE OF FUNDS

"Sec. 494. (a) Funds made available under this part may be used for—

"(1) the salary of a project director;

"(2) related supporting staff expenses;

"(3) client outreach;

"(4) training of professional and volunteer mentor and student tutors; and

"(5) development or purchase of curriculum materials and supplies, including related software packages.

"(b) Funds made available under this part may not be used to purchase computer hardware.

"REPORT TO CONGRESS

"Sec. 495. No later than October 1, 1988, the Secretary shall report to Congress on an evaluation of the literacy training demonstration program carried out under this part."

Sec. 3. Section 3 of the Job Training Partnership Act is amended—

(1) in subsection (a)(1) by inserting "and part H" after "part B";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) There are authorized to be appropriated to carry out part H of title IV, \$12,500,000 for fiscal year 1987, and \$12,500,000 for fiscal year 1988."

Sec. 4. The table of contents of the Job Training Partnership Act is amended by inserting after the item "Sec. 481. Affirmative action." the following:

"PART H—LITERACY TRAINING DEMONSTRATION PROGRAM

"Sec. 491. Purpose.

"Sec. 492. Programs authorized.

"Sec. 493. Literacy training plan.

"Sec. 494. Use of funds.

"Sec. 495. Report to Congress."●

By Mr. MURKOWSKI:

S. 2763. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Relations.

DETERMINATION OF VALUE OF CLAIMS

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation to amend the International Claims Settlement Act of 1949. The purpose of this bill is to codify the legal standard by which the Foreign Claims Settlement Commission determines the compensable value of property of U.S. citizens that has been expropriated by foreign governments. That standard, consistently recognized by Congress, is the fair market value, or the price a willing buyer would pay to a willing seller in an arms-length transaction. This standard, as applied to an operating business enterprise would generally be the going concern value of the enterprise.

In addition, the bill codifies the principle that the amount of compensation due is not to be influenced by pre- or post-expropriation actions by the taking government which may have depressed the value of the property. The standard enunciated in the bill conforms to accepted principles of international law established by a long history of treaty practice and decisions of international judicial and arbitral tribunals; it is based primarily upon the standard established by Congress in title V of the International Claims Settlement Act.

For the growing volume of U.S. foreign investments in service industries, recognition that the fair market value should be the value of the enterprise determined as a going concern is vital. Alternative methods, such as book value calculation, are an inadequate measure of income-producing investments in service industries. On an accountants balance sheet, these assets are shown at a fraction of their fair market value.

Mr. President, in recent settlements, the Foreign Claims Settlement Commission has deviated from the traditional principles of international law which dictate that compensation must reflect the full market value or going concern value of expropriated property; it has applied a lesser standard, looking only to net book value and ignoring the market value of expropriated property. This legislation seeks to reverse that trend which if continued will adversely impact international law, deprive Americans who have lost

their property, and reward and encourage expropriating governments.

Both the Foreign Claims Settlement Commission and U.S. claimants will benefit from the codification of this applicable standard.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. CHILES, Mr. MOYNIHAN, Mrs. HAWKINS, and Mr. DIXON):

S. 2764. A bill to authorize appropriations for fiscal year 1987 for increased activities to interdict and control drug trafficking and to control drug abuse, and for other purposes; to the Committee on Finance.

NATIONAL DRUG INTERDICTION IMPROVEMENT ACT

Mr. DECONCINI. Mr. President, today, Senator D'AMATO, Senator CHILES, Senator MOYNIHAN, Senator HAWKINS, and Senator DIXON are introducing the National Drug Interdiction Improvement Act of 1986—a bill that will finally provide our civilian drug interdiction agencies with the additional manpower and tools it will take to really fight a war on drugs.

Mr. President, I am proud to have been a part of the bipartisan effort of the past 4 years that has tried to bring the military more deeply into the war on drugs; has tried to put more military assets into the hands of the civilian drug enforcement agencies to fight drug smugglers; and to try to beef up personnel levels at the Custom Service, the Justice Department, and the Coast Guard.

But it has been, for the most part, a piecemeal, slow, difficult process to gradually bring on line a few aircraft here and a couple of new high-speed vessels there.

Part of the sluggishness and frustration that many of us in both parties and on both sides of the Capitol have experienced over the past 4 years has, in part, been due to a lack of will by the Department of Defense to play an active role in this drug war.

Part of the problem has been a disjointed approach by this administration and the past administration to providing the necessary equipment and manpower to really attack the drug menace head-on.

And part of the problem has been too few Members of Congress willing to put the drug interdiction effort at the top of our national security priorities.

Well, this bill, if enacted by the end of this year, will put us as close as we have ever been toward having a real fighting machine to throw at the narcotics trafficker.

Mr. President, this bill does not pull any punches.

It does not try to mask the magnitude of the resources that we need to fight a real war on drugs.

It is not intended to be a small, mild-mannered, long-term blueprint for helping our drug enforcement agencies by the year 2,000.

No sir. This bill puts our drug interdiction program into overdrive and tells the drug smuggler enemy that we are not going to wait any longer to put the muscle into our antidrug effort.

The time to throw the heavy artillery at the narcotics smuggler is now, not 10 years from now when "crack" is as plentiful as candy bars in our schools; when cocaine has claimed the lives of thousands of our best and brightest young people; and when heroin has put another 10,000 lives into reverse.

This bill does not fool around.

It puts the hardware on the table in fiscal year 1987 and tells the drug smuggler that we are not going to wait another year to launch a full-scale assault on him and his organizations.

Mr. President, the National Drug Interdiction Improvement Act of 1986 addresses a major element of our war on drugs—an element that must be pursued in conjunction with an attack on at least six other important drug fronts: First, drug education; second, drug eradication in source and transshipment countries; third, organized crime drug trafficking investigation; fourth, increased drug intelligence gathering; fifth, increased drug treatment and rehabilitation; and sixth, tougher penalties for big time drug dealers.

This bill addresses the important drug interdiction piece of an antidrug battle plan.

Specifically, this bill authorizes \$1,424,115,000 in fiscal year 1987—on top on any other drug interdiction spending—for additional Department of Defense; U.S. Customs Service; U.S. Coast Guard; and Department of Justice Drug interdiction equipment, activities, personnel, and facilities.

Of this amount, \$1,019,115,000 would be new budget authority in addition to any other amount authorized in regular authorization or appropriation bills that may pass the Congress for fiscal year 1987, and \$405,000,000 would be earmarked within the fiscal year 1987 Department of Defense budget for enhanced coastal defense operations, equipment, and manpower.

The bill authorizes enhancements for drug interdiction activities at the following agencies and departments:

Department of Defense to support civilian drug interdiction agencies: \$887,015,000 including \$405,000,000 earmarked for enhanced coastal defense augmentation by Coast Guard; U.S. Customs Service; \$357,300,000.

U.S. Coast Guard: \$110,000,000; and Department of Justice: \$69,800,000, including \$57,800,000 for the Drug Enforcement Administration.

The bill authorizes three major new initiatives that will help to significant-

ly enhance our ability to interdict the narcotics trafficker before—not after—he attempts to penetrate our borders.

They are: One, the establishment of a United States-Bahamas Drug Interdiction Task Force under joint operational control of the Bahamian Government and the U.S. Customs Service, with the Coast Guard, and other agencies actively participating;

Two, the establishment of a new Customs Service air support branch in the State of New York to address the growing air smuggling threat to the Northeastern portion of the United States; and

Three, the implementation of a national Drug interdiction battle plan for bringing National Guard into the war on drugs.

The bill also authorizes a total of approximately 3,700 additional drug interdiction and law enforcement personnel at Coast Guard, plus 2,000 including 500 tactical law enforcement team positions; Customs—plus 969, including 400 additional slots for a Southwest Border Drug Task Force started last year by the Congress; 218 additional assistant U.S. attorneys at Justice to increase drug smuggler prosecutions; and 600 additional DEA agents, of which 300 would be assigned to foreign countries where the drug smuggling problem is most acute.

Finally, Mr. President, this bill contains a title that calls for the administration to submit legislation that would, if necessary, reorganize the executive branch drug enforcement agencies in order to improve the way the Federal Government combats drug trafficking and drug abuse.

This is a provision that the chairman of the House Government Operations Committee, JACK BROOKS, has introduced and reported out of his committee in the House.

Mr. President, the war on drugs will be expensive.

This bill's price tag is not cheap and I recognize that.

However, the fact that the ranking member of the Budget Committee is an original cosponsor of this bill should tell Senators on both sides of the aisle that the sponsors of this legislation put drug interdiction near the top of our national spending priorities.

Providing the appropriations to carry out the mandates of this bill will not be easy in these times of unprecedented budget deficits.

Budget tradeoffs will have to be made and some bitter fiscal medicine swallowed in order to put our civilian antidrug armies into combat against the drug smuggler.

Furthermore, over 73 percent of the total amounts authorized in this bill are nonrecurring, one-shot expenditures to bring hardware and facilities online and fully fund these items in fiscal year 1987.

The bottom line is that we must treat the war on drugs as national security treat to the United States and act accordingly.

The President has stated that he puts the narcotics smuggling threat at the top of his national priority list.

His National Security Directive in April called for bringing the military more deeply into this effort.

The Attorney General, as head of the Drug Enforcement Policy Board, has called for putting nearly a quarter of a billion dollars into DOD resources and other areas in fiscal year 1987.

Both the Speaker of the House and the minority leader of the House, Mr. MICHEL, have joined forces on omnibus drug enforcement legislation that could call for as much as \$2 to \$3 billion in new funding for the war on drugs.

We must join in that effort, and, party labels aside, buckle our chinstraps and go to war against the drug trafficker.

This bill gives our drug enforcement agencies the weapons to do exactly that and I urge the prompt passage of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE; FINDINGS; PURPOSES

SEC. 101. SHORT TITLE.

This Act may be cited as the "National Drug Interdiction Improvement Act of 1986".

SEC. 102. FINDINGS.

The Congress hereby finds that—

(1) a balanced, coordinated, multifaceted strategy for combating the growing drug abuse and drug trafficking problem in the United States is essential in order to stop the flow and abuse of drugs within our borders;

(2) a balanced, coordinated, multifaceted strategy for combating the narcotics drug abuse and trafficking in the United States should include—

(A) increased investigations of large networks of drug smuggler organizations;

(B) source country drug eradication;

(C) increased emphasis on stopping narcotics traffickers in countries through which drugs are transshipped;

(D) increased emphasis on drug education programs in the schools and workplace;

(E) increased Federal Government assistance to State and local agencies, civic groups, school systems, and officials in their effort to combat the drug abuse and trafficking problem at the local level; and

(F) increased emphasis on the interdiction of drugs and drug smugglers at the borders of the United States, in the air, at sea, and on the land;

(3) funds to support the interdiction of narcotics smugglers who threaten the transport of drugs through the air, on the sea,

and across the land borders of the United States should be emphasized in the Federal Government budget process to the same extent as the other elements of a comprehensive antidrug effort are emphasized;

(4) the Department of Defense and the use of its resources should be in integral part of a comprehensive, national drug interdiction program;

(5) the Federal Government civilian agencies engaged in drug interdiction, particularly the United States Customs Service and the Coast Guard, currently lack the aircraft, ships, radar, command, control, communications, and intelligence (C3I) systems, and manpower resources necessary to mount a comprehensive attack on the narcotics traffickers who threaten the United States;

(6) the civilian drug interdiction agencies of the United States are currently interdicting only a small percentage of the illegal, drug smuggler penetrations in the United States every year;

(7) the budgets for our civilian drug interdiction agencies, primarily the United States Customs Service and the Coast Guard, have not kept pace with those of the traditional investigative law enforcement agencies of the Department of Justice; and

(8) the Department of Defense and the Office of Management and Budget have resisted congressional efforts to bring the military into the war on drug smugglers within the confines of section 1385 of title 18, United States Code (popularly referred to as the Posse Comitatus Act).

SEC. 103. PURPOSES.

It is the purpose of this Act—

(1) to increase the level of funding and resources available to civilian drug interdiction agencies of the Federal Government;

(2) to increase the level of support from the Department of Defense for attacks on the narcotics traffickers before such traffickers penetrate the borders of the United States; and

(3) to improve other drug interdiction programs of the Federal Government.

TITLE II—DEPARTMENT OF DEFENSE NARCOTICS ENFORCEMENT ASSISTANCE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG ENFORCEMENT ACTIVITIES.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of authorized drug enforcement assistance activities of the Department as follows:

(1) For procurement of aircraft for the Army, \$40,000,000, to be available for the procurement of Blackhawk helicopters.

(2) For procurement of aircraft for the Navy—

(A) \$83,000,000, to be used for modification of four P-3 aircraft by the addition of APS-138 radar; and

(B) \$138,000,000, to be used for (1) refurbishment, upgrade, and modification of four existing E2C Hawkeye surveillance aircraft, and (ii) the procurement of four E2C Hawkeye surveillance aircraft and related spare parts.

(3) For procurement for the Air Force, \$135,000,000, of which—

(a) \$75,000,000, is for procurement of six aerostat radar systems; and

(B) \$60,000,000, is for the procurement of three C-130 tanker aircraft with APG-63 radar.

(4) For operation and maintenance for the Air Force, \$12,615,000, to be available for

the transfer of six Air Force transport helicopters to Davis-Monthan Air Force Base, Arizona.

(5) For a drug interdiction program of the National Guard, \$61,400,000.

(6) For the Secretary of Defense, \$12,000,000, for enhanced intelligence collection activities relating to illegal importation into the United States of drugs originating in South America.

(b) LOANS TO CUSTOMS SERVICE.—The Secretary of Defense shall make available to the United States Customs Service, in accordance with chapter 18 of title 10, United States Code, the aircraft procured or modified using funds appropriated pursuant to authorizations in paragraphs (1) and (2) of subsection (a).

(c) LOCATION OF AEROSTAT RADAR SYSTEMS.—Of the six aerostat radar systems authorized by subsection (a)(3)(A)—

(1) one shall be stationed at a location on the west coast of Florida;

(2) one shall be stationed at a location on the Island of Grand Turk in the Caribbean Sea; and

(3) four shall be stationed at strategic locations along the southwest border of the United States.

(d) RESPONSIBILITIES OF THE CUSTOMS SERVICE.—(1) The United States Customs Service shall bear the expense for operation and maintenance costs attributable to aircraft which are procured, refurbished, upgraded, or modified with funds appropriated pursuant to authorizations in paragraphs (1) and (2) of subsection (a) and the operation and maintenance costs attributable to the aerostat radar systems procured with fund appropriated pursuant to the authorization in subsection (a)(3)(A). The responsibility of the United States Customs Service for such costs shall commence upon acceptance of such aircraft by the Customs Service and upon completion of the installation of the aerostat radar systems, respectively.

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately consult with the Commandant of the Coast Guard regarding coordination of the deployment of the aircraft loaned or to be loaned to the Customs Service under subsection (b) in order to realize the maximum detection, surveillance, and intelligence gathering capabilities of such aircraft. The Commissioner shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph. The first such report shall be submitted on the last day of the first quarter ending not less than 90 days after the date of the enactment of this Act.

(e) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense for fiscal year 1987.

SEC. 202. FUNDING OF COAST GUARD DRUG-INTERDICTION ACTIVITIES.

(a) USE OF DEPARTMENT OF DEFENSE FUNDS FOR THE COAST GUARD.—Of the amounts authorized to be appropriated for the Department of Defense in fiscal year 1987—

(1) \$290,000,000 shall be used for the acquisition and maintenance of United States Coast Guard inventories related to the national defense. Of the amounts provided in this paragraph, \$90,000,000 shall be authorized to be appropriated for the installation of four APS-138 radar systems on four existing C-130 aircraft;

(2) \$100,000,000 shall be used for operating funds for the performance of defense readiness responsibilities of the Coast Guard; and

(3) \$15,000,000 shall be available for transfer to the Secretary of Transportation and shall be used only for the program described in subsection (b).

Funds made available pursuant to the authorizations specified in this section shall be attributed to functional category 050 (National Defense) of the Budget of the Government of the United States.

(b) ENHANCED DRUG-INTERDICTION ASSISTANCE.—(1) Chapter 18 of title 10, United States Code, is amended by adding after section 378 the following new section:

“§ 379. Assignment of Coast Guard personnel to naval vessels for drug enforcement purposes

“(a) The Secretary of Defense and the Secretary of Transportation may, by agreement, provide for the assignment to duty on board surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and are empowered to arrest, search, and seize property and persons suspected of violations of law.

“(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

“(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

“(2) as are otherwise within the jurisdiction of the Coast Guard.

“(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty as provided in subsection (a).

“(d) In this section, the term ‘drug-interdiction area’ means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 378 the following new item:

“378. Assignment of Coast Guard personnel to naval vessels for drug enforcement purposes.”

TITLE III—COAST GUARD DRUG INTERDICTION ENHANCEMENT

SEC. 301. ADDITIONAL AUTHORIZATIONS FOR THE COAST GUARD.

(a) SECURE RADIO COMMUNICATIONS.—There is authorized to be appropriated to the Coast Guard for fiscal year 1987, \$50,000,000 for the acquisition of secure radio equipment.

(b) ADDITIONAL PERSONNEL.—(1) The full-time equivalent strength level for the Coast Guard for active duty personnel for fiscal year 1987 is hereby increased, above the level otherwise provided by law, by 1,500.

(2) There is authorized to be appropriated for operation and maintenance of the Coast Guard for fiscal year 1987, \$40,000,000 for expenses related to the additional personnel authorized by paragraph (1).

(c) COAST GUARD—BAHAMAS DRUG INTERDICTION DOCKING FACILITY.—(1) There is authorized to be appropriated for acquisition, construction, and improvements for the Coast Guard for fiscal year 1987, \$20,000,000, to be used for construction of a drug interdiction docking facility in the Ba-

hamas to facilities Coast Guard and Bahamian drug interdiction operations in and through the Bahama Islands.

Of the amounts authorized to be appropriated in this subsection, such sums as may be necessary shall be available for necessary communications and air support.

(2) The Commandant of the Coast Guard shall use such amounts appropriated pursuant to the authorization in this subsection as may be necessary to establish a repair, maintenance, and boat lift facility to provide repair and maintenance services for both Coast Guard and Bahamian marine drug interdiction equipment, vessels, and related assets.

(d) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized to be appropriated for the Coast Guard by this section are in addition to any amounts otherwise authorized by law.

(e) The United States Coast Guard, including all related accounts, shall be included in major functional category "050: National Defense" for purposes of the Budget submitted by the President of the United States under Section 1105 of Title 31, United States Code and for purposes of the Congressional Budget Act of 1974, as amended, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV—UNITED STATES CUSTOMS SERVICE DRUG INTERDICTION ENHANCEMENT

SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL CUSTOMS SERVICE PERSONNEL.

In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for additional drug interdiction personnel:

(1) \$14,000,000 for 329 additional positions for the air interdiction program, including 67 additional positions for command, control, communications, and intelligence (C3I) centers in Houston, Texas, at March Air Force Base, California, in Miami, Florida, and in Oklahoma City, Oklahoma.

(2) \$4,000,000 for 100 additional positions for the marine interdiction program.

(3) \$18,000,000 for 400 additional positions and related equipment for the Southwest Border Drug Enforcement Task Force operations.

(4) \$2,000,000 for 50 additional headquarters supervisory staff positions for air and marine interdiction activities.

(5) \$1,500,000 for 20 new air interdiction positions to be allocated to a new Customs Air Support Branch in the State of New York.

(6) \$3,000,000 for 70 additional air interdiction officers and radar operators for a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

SEC. 402. AUTHORIZATIONS OF APPROPRIATIONS FOR CUSTOMS SERVICE EQUIPMENT AND TRAINING.

(a) AMOUNTS AUTHORIZED.—In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for additional drug interdiction equipment and training:

(1) \$40,000,000 for voice privacy and high frequency single sideband secure radios.

(2) \$1,800,000 for 1,800 drug enforcement vehicles.

(3) \$1,000,000 for electronic and acoustic sensors and transponders for air and marine interdiction purposes.

(4) \$2,000,000 for 10 marine interdiction utility vessels.

(5) \$2,600,000 for 40 marine interdiction interceptor vessels, including \$600,000 for 10 marine interdiction interceptor vessels for a United States-Bahamas Drug Interdiction Task Force established under subsection (d).

(6) \$1,000,000 for training and support for Bahamian drug interdiction officers who are to be part of a United States-Bahamas Drug Interdiction Task Force established under subsection (d).

(7) \$5,000,000 for training for new air and marine interdiction positions authorized in paragraphs (1) and (2) of section 401.

(8) \$4,300,000 for training for new Southwest Border Drug Enforcement Task Force personnel authorized in section 401(3).

(b) USE AND MAINTENANCE OF VESSELS.—The vessels provided for under subsection (a)(5) shall be made available for use by a United States-Bahamas Drug Interdiction Task Force established under subsection (d). While so used, such vessels shall be located in the Bahamas, shall be operated by the Bahamian members of such Task Force, and shall be jointly maintained, under the agreement entered into under subsection (d), by the Customs Service and the Government of the Bahamas.

(c) TRAINING MATTERS.—(1) The training provided for under subsection (a)(7) shall be conducted at the Federal Law Enforcement Training Center at Glynco, Georgia.

(2) The training provided for under subsection (a)(8) shall be conducted at the Federal Law Enforcement Training Center at Marana, Arizona.

(d) ESTABLISHMENT OF A UNITED STATES-BAHAMAS DRUG INTERDICTION TASK FORCE.—(1) There is authorized to be established a United States-Bahamas Drug Interdiction Task Force to be operated jointly by the United States Customs Service and the Government of the Bahamas.

(2) The Commissioner of Customs, in consultation with the Secretary of State, the Commandant of the Coast Guard, the Attorney General of the United States, and the head of the National Narcotics Border Interdiction System (NNBIS) shall, upon enactment of this Act, immediately commence negotiations with the Government of the Bahamas to enter into a detailed agreement for the establishment and operation of a new drug interdiction task force, including plans for (A) the joint operation and maintenance of the drug interdiction assets authorized for the task for in this title and title III, and (B) the training and personnel enhancements authorized in this title.

(3) The Secretary of the Treasury shall report to the appropriate committees of Congress on a quarterly basis regarding the progress of the United States Customs Service in establishing the United States-Bahamas Drug Interdiction Task Force.

SEC. 403. AUTHORIZATIONS OF APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE FOR THE AIR INTERDICTION PROGRAM.

(a) AMOUNTS AUTHORIZED.—In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for operation and maintenance activities of the air interdiction program conducted by the Customs Service:

(1) \$75,000,000 for the establishment of command, control, communications, and intelligence (C3I) sector operations centers in

Houston, Texas, at March Air Force Base, California, and in Miami, Florida, and one national command, control, communications, and intelligence (C3I) center in Oklahoma City, Oklahoma.

(2) \$120,000,000 for 24 high endurance tracker aircraft equipped with APG-66 or APG-68 radar and forward looking infrared radar (FLIR), including \$30,000,000 for 6 such aircraft (so equipped) for use by a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(3) \$20,000,000 for 4 high speed interceptor jet aircraft with APG-66 or APG-68 radar and forward looking infrared radar (FLIR).

(4) \$18,000,000 for 6 twin engine drug interdiction pursuit helicopters for use by a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(5) \$1,000,000 to enhance communications capabilities for the operation of a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(b) ESTABLISHMENT OF CUSTOMS AIR SUPPORT BRANCH IN NEW YORK.—There is authorized to be appropriated to the United States Customs Service for fiscal year 1987, in addition to amounts otherwise authorized by law, \$23,100,000 for the establishment of a Customs Air Support Branch in New York, to be available for the following:

(1) \$10,000,000 for the purchase of two high endurance tracker aircraft with APG-66 or APG-68 radar and forward looking infrared radar (FLIR).

(2) \$10,000,000 for the purchase of two Blackhawk helicopters to be used for drug interdiction purposes.

(3) \$3,100,000 for site preparation, construction, and operation and maintenance for the aircraft authorized in paragraph (1) and the helicopters authorized in paragraph (2) and to meet other expenses related to the establishment of such air support branch.

(b) REPORTS TO CONGRESS BY THE UNITED STATES CUSTOMS SERVICE.—The Commissioner of Customs shall report to the Committee on Appropriations of the Senate and the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate on a quarterly basis on the progress made in the establishment of the New York Air Support Branch authorized in subsection (a).

TITLE V—ADDITIONAL FUNDS FOR THE DEPARTMENT OF JUSTICE

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—There are authorized to be appropriated to the Department of Justice for fiscal year 1987, in addition to any other amounts authorized to be appropriated to the Department for such fiscal year, the following amounts:

(1) \$12,000,000 for additional assistant United States attorneys.

(2) \$50,000,000 for the Drug Enforcement Administration for—

(A) 600 additional special agents and related equipment; and

(B) voice privacy radios; of which \$7,000,000 shall be available for voice privacy radios.

(3) \$7,000,000 for twin engine helicopters with forward looking infrared radar (FLIR) for drug interdiction operations in Hawaii.

(b) ALLOCATION OF DRUG ENFORCEMENT ADMINISTRATION SPECIAL AGENTS.—(1) The Attorney General of the United States shall allocate no fewer than 300 of the additional special agent positions authorized in subsec-

tion (a)(2) to drug intelligence and interdiction operations in the foreign drug source countries and the countries through which drugs are transshipped, as identified by the Department of Justice as the major contributors to the drug trafficking threat to the United States.

(2) The Attorney General shall report on a regular basis to the Committees on Appropriations and to the Committees on the Judiciary of the Senate and the House of Representatives regarding the allocation of the new special agents authorized in subsection (a)(2)(A), including the new special agents allocated as directed in this subsection.

TITLE VI—FEDERAL GOVERNMENT REORGANIZATION TO COMBAT DRUG TRAFFIC AND DRUG ABUSE

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Government's response to drug trafficking and drug abuse is divided among several dozen agencies and bureaus of the Government, ranging from the Department of Defense to the Department of Health and Human Services;

(2) numerous recent congressional hearings and reports, reports by the Comptroller General of the United States, and studies by Executive branch agencies have documented the waste and inefficiency caused by this division of responsibilities;

(3) interagency competition for credit and budget dollars imposes critical obstacles to efficient application of national resources in combating drug trafficking and drug abuse; and

(4) in order to successfully combat such trafficking and drug abuse, there must be coherent planning that includes intelligent organization and operations of Executive branch agencies.

SEC. 602. SUBMISSION OF PROPOSED LEGISLATION.

Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress recommendations for legislation to reorganize the Executive branch of the Government to combat more effectively international drug traffic and drug abuse. In the preparation of such recommendations, the President shall consult with the Comptroller General of the United States, State and local law enforcement authorities, the appropriate committees of Congress, the Attorney General of the United States, and the Secretaries of State, Treasury, Transportation, Health and Human Services, Defense, and Education.

THE NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

Mr. D'AMATO. Mr. President, I am proud to join my good friend and colleague, Mr. DeCONCINI, in introducing the National Drug Interdiction Improvement Act of 1986. This comprehensive legislation authorizes a national mobilization to interdict drugs effectively.

This bill follows up on the unanimous action by the Senate last Thursday and Friday on S. 2683, the defense reauthorization bill, authorizing more than one-half billion dollars' worth of military resources for drug interdiction.

Title I of this bill consists of a thorough statement of congressional findings regarding the need for a comprehensive drug interdiction strategy that involves the military as an active part-

ner, the various elements of such a strategy, and the problems we have encountered to date in waging a real war on drugs.

Title II is entitled, "Department of Defense Narcotics Enforcement Assistance." It authorizes the most extensive level of Defense Department drug enforcement assistance ever proposed in the Senate. Under this title, new resources will be provided from funds authorized for the Department of Defense, as follows:

Army: Procurement of Blackhawk helicopters: \$40 million.

Navy: \$83 million for modification of four P-3 radar planes by the addition of APS-138 radar, \$138 million for the addition of four E2C Hawkeye surveillance aircraft—including spare parts, and the upgrading and modification of four more.

Air Force: \$75 million for six aerostat radar systems, \$60 million for three C-130 radar planes with APG-63 radar, and \$12.615 million for operation and maintenance of six helicopters.

National Guard: \$61.4 million for the drug interdiction program of the National Guard.

Office of the Secretary of Defense: \$12 million for enhanced intelligence collection activities relating to the illegal importation of drugs from South America.

Under Section 201(b) of this bill, the Secretary of Defense shall make available to the Customs Service on a loan basis (under 10 U.S.C. chapter 18) the Blackhawks, P-3's, and E2C's thus procured and modified. The Customs Service shall be responsible for the operation and maintenance costs of this aircraft, and of the aerostat radar systems. This responsibility shall begin as soon as the aircraft are accepted by the Customs Service, and as soon as the aerostats are installed.

This bill repeatedly emphasizes the need for better coordination among drug law enforcement agencies with respect to the most productive possible use of drug interdiction assets. For example, under section 201(d)(2), the Commissioner of Customs shall consult with the Commandant of the Coast Guard in order to obtain the best possible use of the new aircraft and aerostats obtained from the Department of Defense.

Section 202 of this bill provides for Defense Department assistance in the funding of Coast Guard drug interdiction activities. It authorizes \$290 million for the Coast Guard for the acquisition and maintenance of drug interdiction equipment as a matter of national defense, including \$90 million for four radar systems of four C-130 aircraft. An additional \$100 million is provided for operational costs.

Per year \$15 million is permanently authorized to place at least 500 Coast Guard personnel on naval vessels for

drug interdiction and other law enforcement activities.

In title III the Coast Guard's special drug interdiction needs are addressed. Included is \$40 million for secure radio equipment and \$40 million to increase Coast Guard personnel levels by 1,500.

Other initiatives contained in this bill are: a Coast Guard-Bahamas Drug Interdiction Task Force; 969 additional Customs Service personnel; interceptor boats; an expanded Customs Air Wing—including new tracker and interceptor aircraft, and command, control, communications, and intelligence centers; a new Customs Air Support Branch in New York; additional U.S. attorneys, and 600 DEA agents—one-half for overseas intelligence assignments.

This bill concludes with a call for the reorganization of the executive branch of the Government to end the turf wars and interagency competition that prevent a truly effective war on drugs. This bill, instead, calls for coherent planning and cooperation against drug trafficking. No later than 6 months after this bill becomes law, the President shall submit to the Congress recommendations for legislation to reorganize the executive branch to improve our efforts against international drug trafficking and domestic drug abuse.

Mr. President, if we are to have a real war on drugs, we must have a full national mobilization. This bill seeks to bring about that mobilization. I urge my colleagues to join the bipartisan group of Senators introducing this bill today by adding their names as cosponsors and by working for passage of this historic initiative this year.

Mr. President, at the request of the Senator from New York [Mr. D'AMATO] I ask unanimous consent that at its next printing, the name of the Senator from New York [Mr. D'AMATO] be added as a cosponsor to the National Drug Interdiction Improvement Act to be introduced by Senator DeCONCINI.

By Mr. LEAHY:

S.J. Res. 399. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

ADVANCE TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

● Mr. LEAHY. Mr. President, once again we find ourselves at a critical juncture in the Superfund Program.

The situation is very simple. If we do not enact a special appropriation bill by tomorrow, the Superfund Program will be irreparably damaged.

In conversations with the chairman of the Environmental and Public Works Committee and the chairman of the Finance Committee, I have learned that the committee on confer-

ence on the 1986 tax bill is not inclined to break its deliberations on that landmark legislation to enact the taxes necessary to refill the depleted Hazardous Substances Response Trust Fund.

Now, we should all understand that the authorizing committee, led by my distinguished colleague and friend, the senior Senator from Vermont, has completed its work on this legislation. He has labored long and hard. The final bill is over 200 pages. It was only because of his outstanding leadership that the conference committee resolved the score of controversial issues in the Superfund bill.

However, if the tax conference cannot address the Superfund issues before the August recess, the program will be damaged in two significant ways.

First, the core contractor capacity cannot be maintained. These contractors are absolutely essential to respond to emergencies, to control hazardous sites, and to develop cleanup programs at toxic dumps.

Second, at 76 sites, the work needed to control and remove toxic waste would be halted and at 10 sites, removal actions would end as of September 30.

Like all of my colleagues, I am frustrated with the time it has taken to amend the Superfund law. There are some who have argued that until the agency actually announces lawoffs or terminates contracts, these taxes will never be enacted.

I do not believe that we can afford the risks of a brinkmanship strategy.

Therefore, yesterday Senator STAFFORD and I introduced a special appropriation bill to provide \$60 million so that the members of the tax committee can complete action on the taxes in September without disrupting the Superfund Program. (S Res. 393.)

Because of concerns raised by Members of the other body and by Members of this body, the resolution introduced yesterday has now been refined. The total has been lowered to \$48 million. Second, all remedial action funds and removal funds will have to be committed by September 30. All funds provided for contract continuation could only be used for that purpose. They would not be a kitty that the agency could use to keep the program going absent a Superfund tax bill.

I am well aware of the position of the other body that all appropriations measures must begin in that body. I respect that position, every though as a Member of this body I do not agree with it. Thus, I am introducing this legislation today to emphasize my strong convictions on this matter. I want to underline my interest in working with the able and experienced chairmen of the HUD-Independent Agencies Appropriations subcommittee in this body and of the HUD Sub-

committee of the other body to develop jointly a measure that will resolve this matter.

Mr. President, I want to say a few words about Senator LAUTENBERG's leadership on the Superfund issue.

Last March we faced this same situation. It was only because of the outstanding efforts of the Senator from New Jersey, Senator LAUTENBERG, that an emergency appropriation was passed at that time. Without his dynamic leadership, Superfund would have been shut down months ago. Thus, I look forward to working closely with him in keeping this program—which is vital to his State and the Nation—operating.

Finally, I ask unanimous consent that a copy of the resolution and materials describing the resolution be included in the RECORD at the end of this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 399

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That language under the heading "Environmental Protection Agency, Hazardous Substance Response Trust Fund" in Public Law 99-160, as amended by Public Law 99-270, is further amended by deleting "\$750,000,000 shall be derived from the Hazardous Substance Response Trust Fund and \$150,000,000 shall be derived from an advance from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: Provided, That none of the \$150,000,000 shall be available for obligation after May 31, 1986, to remain available until expended: Provided," and inserting in lieu thereof "\$702,000,000 shall be derived from the Hazardous Substance Response Trust Fund and \$198,000,000 shall be derived from advances from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: Provided, That none of the \$150,000,000 made available by Public Law 99-270 shall be available for obligation after May 31, 1986: Provided further, That of the additional \$48,000,000 made immediately available, \$15,000,000 shall be obligated by September 30, 1986, for continuation of ongoing remedial and removal site work and \$19,000,000 shall be used only to continue ongoing contracts and to replace contracts for essential services: Provided further, That all funds appropriated shall remain available until expended, except as specified above: Provided further,".

STOPGAP SUPERFUND PROPOSAL

CONTRACT ACTIONS

Ongoing Contracts.—Much of the Superfund work is performed by contractors. The contracts obligate EPA to provide a certain portion of the contractors basic operating costs. These are the costs required to keep key management staff on board, and their support services. The costs necessary to pre-

vent termination of these contracts is \$10 million.

Replacement Contracts.—For certain essential program needs, such as field investigations and removal actions, contractors have not elected to recompute or have not won the competition for contracts expiring in September. If these essential services are to be continued, \$9 million is needed.

Termination Costs.—When the U.S. Government enters into a contract which it may have to terminate, it must have the budget authority to pay the termination costs inherent in those contracts should termination occur. If the budget official does not set aside termination costs, it would violate the Anti-Deficiency Act to renew or to enter into the contracts. \$14 million is required for the termination costs involved in the ongoing and replacement contracts described above.

CLEAN UP RELATED ACTIONS

Removal Actions.—These are funds that would be used to stabilize existing Superfund sites where immediate action is required to protect public health. There are 12 sites where removal action work will stop on September 30. \$7 million is needed to continue removal actions at these sites and \$2 million is needed to maintain SWAT teams for environmental emergencies.

Remedial Actions.—Remedial actions determine the extent of contamination at a site and develop clean-up plans. If these activities are not continued the pre-clean up activities at 76 of these sites will be stopped in mid-process. This interruption will significantly delay the clean up of these sites. For example, an existing remedial action such as establishing a baseline of environmental contamination by monitoring which has been ongoing for months may become worthless if interrupted for a month.

Cost summary

	Millions
On-going Contracts.....	\$10
Replacement Contracts.....	9
Termination Costs.....	14
Removal Actions.....	9
Remedial Actions.....	6
Total.....	48

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DeCONCINI, and Mr. MOYNIHAN):

S.J. Res. 400. Joint resolution designating the month of September 1986, as "National Back to School—Back Off Drugs Month"; to the Committee on the Judiciary.

NATIONAL BACK TO SCHOOL—BACK OFF DRUGS MONTH

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution designating the month of September 1986 as "National Back to School—Back Off Drugs Month." Senators DeCONCINI, MOYNIHAN, and HAWKINS are original cosponsors of this resolution, which is a companion measure to House Joint Resolution 698, introduced by my good friends, Congressmen Biaggi, Rangel, and Gilman.

I urge my colleagues to pass this joint resolution quickly to highlight the need to focus national attention on drug prevention education. The problem of youth drug abuse, especial-

ly since the emergence of the crack epidemic, cannot be overstated. Nearly two-thirds of all high school students and one-third of all seventh graders report that they have experimented with illegal drugs. In 1985, 13,308 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse.

This joint resolution calls upon the President to issue a proclamation calling upon the people of the United States to dedicate themselves to a meaningful drug prevention education campaign. This proclamation will urge school policymakers to inform their students about the dangers of drug abuse during the month of September, and to follow up with comprehensive and long-term drug education and prevention programs in the schools.

The joint resolution suggests the additional use of audiovisual instruction on the destructive effects of drug abuse and the use of role models to reinforce the need to stay drug free. The list of recommendations concludes with the suggestion that schools enter into formal agreements among students, parents, teachers, law enforcement officials, and school administrators regarding the role each will play in the drug abuse prevention process.

The single most important task we face is to educate young people about the dangers of drug abuse, yet when we look to our schools for drug prevention education, we rarely find programs that work and that are in place throughout an entire school system. The fact is, we do not provide effective drug education programs in most of our schools. In New York City, if it were not for Police Commissioner Benjamin Ward, we would be doing next to nothing. His SPECDA [School Program to Educate and Control Drug Abuse] program is one of the few bright spots.

Drug education has been neglected because we have not given priority attention to identifying programs that work, or to determining why some approaches work, while others have either no effect, or actually encourage drug use.

I have repeatedly called on our Federal, State, and local officials to show me their statistically significant research proving what programs work to reduce substance abuse.

Where is the guidance to local school districts identifying model programs and curricula? I encourage my colleagues to look carefully at this issue, because unless we are careful, we run the risk of funding the wrong programs, and neglecting the best programs.

We must find the money for an effective education and prevention program, so that we can begin to reach millions of school children to teach

them to say "no" to drugs, and teach them to counter the peer pressure to use drugs with the examples of positive role models.

It may be that, in the crack epidemic, we have a rare window of opportunity to join together finally to take united, effective action against the drug menace. We cannot afford anything less than an all out effort by every segment of society, every level of government, and by families, and individuals.

Nothing is more important than that we begin to wage a real war on drugs, because nothing less than the lives of our children are at stake.

Mr. President, education can be only part of a national mobilization to mount—and win—a real war on drugs. I ask unanimous consent that an article from the Washington Post of August 10, 1986, on the extent of the problem we face be placed in the RECORD at the conclusion of my remarks.

I urge my colleagues to give this joint resolution their full support and I ask unanimous consent that the full text of this resolution and a Washington Post article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 400

Whereas elementary, secondary, and post-secondary students will be returning to school in the month of September;

Whereas the drug abuse problem among our young people has reached epidemic proportions;

Whereas surveys show that nearly two-thirds of all high school seniors report illicit drug use, and nearly a third of all seventh graders report having used drugs before entering that grade;

Whereas a recent survey of 27 cities showed that, in 1985, 13,038 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse;

Whereas drug abuse is a significant factor among the estimated 750,000 students who drop out of school each year;

Whereas the cocaine-based drug, crack, is making the drug abuse problem among young people even worse because it is relatively inexpensive and highly addictive;

Whereas in 1984, persons under the age of 18 committed 67,211 drug abuse violations; and

Whereas a minimal amount of Federal, State, and local resources have been targeted toward drug abuse education and prevention, despite strong evidence that education and prevention efforts at an early age are the most effective means to address the drug abuse problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1986, is designated as "National Back to School—Back Off Drugs Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that

month with appropriate activities, including—

(1) a message by the chief administrators of all schools to their students concerning the dangers of drug abuse and the specific penalties that exist for drug abuse in the school;

(2) the introduction of comprehensive and longterm drug education and prevention programs in the schools, with a particular focus on kindergarten through the sixth grade;

(3) the use of audio visual education tools to show the destructive effects of drug abuse;

(4) the use of role models (such as sports, religious, public safety, political, and cultural figures) to reinforce the need to stay drug free; and

(5) the formalization of agreements among students, parents, teachers, law enforcement officials, and school administration officials about the role each will play in the drug abuse education and prevention process, including the reporting of drug use and sales in or around schools.

A NEW ASSAULT PLANNED AGAINST FORMIDABLE FOE—VICTORIES ARE ELUSIVE IN U.S. WAR ON DRUGS

(By T.R. Reid)

With President Reagan's announcement of a new "national strategy" and with leading Democrats planning a "far-reaching" program of their own, it is clear that the United States is about to launch a major new war on illegal drugs.

It will be a war against a formidable and elusive enemy. Drug use in America is commonplace. In a recent survey, 30 percent of college seniors said they had tried cocaine; 40 percent of all college students said they had smoked marijuana in the previous year. Street kids smoke PCP; hard-core addicts shoot heroin; yuppies snort cocaine and smoke crack, a highly addictive cocaine derivative.

Details of the Reagan strategy and the Democratic program should be released in the coming weeks. Judging from initial descriptions, each approach will involve a mixture of sticks and carrots—tough new law enforcement combined with new treatment and education programs.

These are basically the same weapons that have been used since the government first got into the drug control business in 1914 with the Harrison Narcotics Act. In the seven decades since then, police and social service agencies at every level of government have launched countless antidrug efforts, each designed to correct the shortcomings of its predecessors.

Even past triumphs have proved ephemeral. A classic instance was the U.S. victory in 1984 at a huge cocaine factory called Tranquilandia in southern Colombia. A syndicate had erected an entire cocaine city in the jungle, complete with airport, dormitories and a hospital for workers.

When U.S. agents and Colombian police seized Tranquilandia, they were stunned to find not 1, not 3, but 10 metric tons of pure cocaine waiting to be shipped. It was the biggest capture in this history of the drug war.

"We told our agents that shutting down Tranquilandia would seriously disrupt the U.S. supply of cocaine," recalled William F. Alden of the Drug Enforcement Administration. "But then the intelligence reports came in, and there was no impact at all on

price or supply. *Nada*. The rest of the world had just made up the difference overnight."

According to the federal government's antidrug coordinating body, the National Drug Enforcement Policy Board, annual federal spending on drug-law enforcement has grown more than \$963 million in 1980 to \$2.1 billion this year. State and local governments spend another billion dollars on the same effort annually.

"And yet," as Reagan said in a speech last week, "drug use continues and its consequences escalate . . . bringing sorrow and heartbreak into homes across the country."

"We've made some progress, but a lot of people in the field are frustrated," said Alden, chief of the DEA's congressional and public affairs. "We have all these good statistics—arrests are up, seizures are up, intelligence is better than ever. But there's as much or more drug use in the country today as there's ever been."

Alden and many other drug-control professionals argue that the limited success may reflect excessive emphasis on the "supply side" of the drug trade—that is, efforts aimed at drug producers and sellers.

The new trend in the profession is "demand side" control. These programs ranging from Nancy Reagan's "Just Say No" campaign to job-site urinalysis, are designed to educate or scare people away from using drugs. The most novel aspect of Reagan's just-announced national strategy is a stronger emphasis on "comprehensive" drug control, in which supply-reduction efforts are complemented by demand-side programs.

A different response to the disappointing results of drug-control efforts to date comes from analysts who would move in a completely new direction—to legalizing drug use.

The arguments for this approach are partly pragmatic (i.e., drug control is the unwinnable Vietnam war of law enforcement) and partly philosophical. Proponents of legalization say drug use is just one of many risks people might choose to take in a free society.

In the current national climate legalization of drugs might seem an extremist position. But for the past 53 years the nation has accepted legalization of society's most damaging drug: alcohol.

"Alcohol is the drug which causes the greatest range of acute and chronic medical and social problems," said the White House Drug Abuse Policy Office. "Alcohol use in conjunction with other drugs is the most frequently mentioned drug in emergency room episodes and drug-related deaths," it added. Alcohol kills more users than any other drug of abuse; because of drunk driving, it causes the deaths of more innocent third parties than any other factor. And yet the nation decided in 1933 to end Prohibition, concluding that the ban on alcohol was too hard to enforce and too great an intrusion on personal freedom.

There has been some movement in the United States toward legal tolerance of another widely used drug: marijuana. The Alaska Supreme Court has ruled that the constitutional right to privacy bars any law banning possession or cultivation of marijuana for personal use. A marijuana legalization referendum will be on the ballot this November in Oregon.

For the most part, though, the trend at all levels of government has been toward stronger restrictions on drug use, with greater spending on law enforcement, tougher penalties and broader programs of education and treatment.

As the president said recently, "We have come to a time when the American people are willing to make it clear that illegal drug and alcohol use will no longer be tolerated." As a result, in an era when many public programs are being frozen or cut, drug control is one of government's major growth industries.

There is a strong trend in the states toward harsher criminal penalties. A typical example is the new "drug barons" act in Alabama mandating a life sentence without parole for high-volume drug traffickers, including some first offenders. Responding to the deaths of prominent athletes this summer, some states are considering so-called "Len Bias laws," which authorize murder charges against anyone who provides a drug used in a fatal overdose.

Frustrated with delays and obstructions in the criminal justice system, New York City officials have instituted direct action against suspected drug users. The city seizes the cars of people accused—but not yet convicted—of buying drugs from curbside dealers. Officials say one potential problem is finding enough garage space in New York for the captured vehicles.

But strict law enforcement has yet to make a noticeable dent in the problem, as academic studies have repeatedly shown. A 1984 Rand Corp. study, for example, said, "It does not seem likely that any reasonable law enforcement measures could wipe out the drug traffic or even raise the price of drugs very much."

In terms of money, law enforcement is the government's major antidrug effort; it will consume about \$1.7 billion of the \$2.1 billion spent on drug control this year.

Much of this money goes abroad. Virtually all the cocaine and heroin and most of the marijuana sold on the nation's streets comes from foreign providers: from poppy fields and their affiliated heroin refineries in Southeast and Southwest Asia, from coca leaf plantations in the equatorial jungles of South America, and from marijuana farms all over the temperate world.

Against those outposts the United States and allied nations are waging a multibillion dollar land, sea and air war. There have been some big victories, like the 10-ton seizure in Colombia, but no official claims that the problem is diminishing as a result.

The major market for the illegal foreign drugs in the United States is the existing addict population. All studies agree that most drug dealers focus their attention on existing customers. The popular myth of the drug seller who offers free samples to win new customers is not supported by research. Apparently, people are typically drawn into drug use by friends, not professional dealers.

Therefore, the second major phase of drug-control efforts is treatment of current users, designed to wean them off drugs and return them to a legal, productive life. There are thousands of drug-treatment facilities in the United States, and they spend more than \$500 million annually, most of it public money. Treatment has had some success, but generally at high cost. The Rand study found scientific evidence inconclusive, but it said "certain forms of treatment . . . work better than no treatment at all."

A quarter-century ago, the most common de-addiction method was "cold turkey" detoxification—i.e., preventing the addict from using any drug for weeks or months, until the physical symptoms of "withdrawal" had disappeared and the individual could return to normal life.

Today, this approach is generally in disfavor; studies show it doesn't work. It has been replaced by such efforts as "methadone maintenance." Methadone is an addictive drug that prevents an addict from undergoing withdrawal but does not provide the "high" or drunken state that heroin offers. It seems to help addicts cut their addiction to heroin, but it leaves them with a different, if less destructive, chemical dependence.

There are thousands of methadone "addicts" in every big U.S. city—about 8,000 in Washington. They can live a relatively normal life except for daily trips to the clinic for their oral dose of methadone.

In his speech last week, Reagan called for stepped-up research to find more effective methods for treating drug users. The problem with treatment as a weapon in the war on drugs is that it invariably requires public money, experienced professional guidance and the patience to wait months or years for results; none of these commodities is easy to come by.

The most important new trend in drug control, and the real focus of the new Reagan program, is "prevention"—programs aimed at stopping people from becoming drug users.

The boom in drug-prevention programs is reflected in the enormous growth of the "Just Say No" campaign, built around a single sentence in a speech by Nancy Reagan in Oakland, Calif., in 1984. Today there are 10,000 "Just Say No" clubs across the country. Every week during the school year, there are hundreds of "Just Say No" rallies, at which baseball stars, rock idols or the First Lady herself urge young people to ignore peer pressure to try drugs.

Because many analysts think that social pressure, rather than some inherent attraction of the substances, is what pulls young people into drug use, there is great hope in the academic community that such programs might provide an offsetting social pressure to abstain. But there is little hard data to support this optimism.

One difficulty with the prevention "weapon" is the existence of legal addicts, such as tobacco and alcohol. Almost all studies agree that most people who try illegal drugs are experienced smokers or drinkers. Many children can easily find cigarettes and liquor at home. Therefore, they don't need social pressure or friendly suppliers to get them started.

Negative-enforcement prevention measures are becoming fashionable—that is, scaring people away from drugs.

The classic example is urinalysis testing, which can lead to job loss and possible criminal problems for even the one-time drug user who happens to get caught. Reagan has proposed job-site testing for some, but not all, federal employees. Drug-control professionals have called for widespread use of the tests, including required roadside specimens from motorists stopped by police.

There is positive news on urine tests from the military services that report dramatic decreases in drug use after testing and other prevention methods were instituted.

But urinalysis may be difficult to institute on a broad scale in a society that values personal privacy. Done properly, the test requires production of a specimen in the presence of a witness in a setting where there is no water available (i.e., no sink or toilet) that could be used to dilute a sample. Further, the tests are imperfect. Many innocent people will be identified as having illegal

drugs in their bodies if urinalysis becomes common.

Although studies of the effectiveness of EMIT (Enzyme Multiplied Immunoassay Technology), the urine test for cocaine, are not consistent, they suggest that the tests return a "false positive"—that is, a false report of drug use—between 2 percent and 11 percent of the time.●

By Mr. GORE (for himself, Mr. QUAYLE, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BURDICK, Mr. HOLLINGS, Mr. DIXON, Mr. SASSER, Mr. ZORINSKY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. LAUTENBERG, Mr. DECONCINI, Mr. BOSCHWITZ, Mr. CHILES, Mr. CHAFFEE, and Mr. HATCH):

S.J. Res. 401. Joint resolution to designate the week of October 12, through 18, 1986, as "National Job Skills Week"; to the Committee on the Judiciary.

NATIONAL JOB SKILLS WEEK

Mr. GORE. Mr. President, the American workplace is undergoing a dramatic transformation. In the long run, the changes will help America to compete in the world economy. But for the economic revolution in this country to succeed, we must not let the American worker get lost along the way. America's future growth depends on the talents and security of the people who make it work.

To call attention to the importance of the modern American work force, Senator QUAYLE and I are introducing a joint resolution today designating the week of October 12 to 18, 1986, as "National Job Skills Week." The week will highlight the changes that are taking place in our economy and the new skills they will require. It will also encourage a close look at private and public job training programs.

Let me also mention that "National Job Skills Week" will coincide with the anniversary of the Job Training Partnership Act, which was signed into law on October 13, 1982. JTPA is the principal Federal training program for the unemployed.

The global economy is changing more rapidly than we ever imagined. Change will become even more dramatic in the years to come. As policymakers, managers, or skilled workers, we will all have to learn to be fast on our feet.

Consider the challenges our work force will face in the next decade:

By the year 2000, automation will replace an estimated 20 million jobs.

In this decade, 5 million Americans have lost their jobs to competition from overseas.

Since 1970, our economy has been producing jobs eight times faster in services than in manufacturing.

Clearly, the workers of tomorrow will need the best preparation we can provide—a quality education, strong basic skills, and ready access to re-

training. As technology renders many current skills obsolete, a flexible work force will be able to learn new ones quickly.

Business and Government must join to help workers meet that challenge. Together we can give Americans what they want and all they need—the tools to make their own way.

National Job Skills Week will draw attention to the special place of American workers—and the talents they will need to maintain it. More than a dozen of our colleagues have already agreed to cosponsor this measure. I hope the rest of the Senate will join us in this effort.

Mr. President, I ask unanimous consent that the joint resolution be printed.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. Res. 401

Whereas one of the most critical problems facing the Nation is to design and engineer a national work force that can meet the challenges of today and tomorrow;

Whereas work in the United States is undergoing rapid and profound change;

Whereas advances in technology will require new skills not now held by the national work force;

Whereas it is predicted that during the decade beginning in 1980, businesses will experience a shortage of skilled workers;

Whereas the skills of many young adults and teenagers are inadequate to perform jobs that are becoming available, thereby contributing to a much greater than normal unemployment rate among young people;

Whereas the ability to maintain a competitive and productive edge necessary for a strong economy and relatively high quality of life standard are dependent on the national work force;

Whereas the productivity and ability of the Nation to compete in a world economy are dependent on the national work force; and

Whereas a National Job Skills Week can serve to highlight the many changes that are underway in the workplace which have necessitated the learning of new skills, concentrate attention on private and public job training efforts, and bring attention to present and future workforce needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 12, 1986, through October 18, 1986, is designated as "National Job Skills Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate programs and activities.

Mr. QUAYLE. Mr. President, I am pleased to be the chief cosponsor of this joint resolution to designate October 12-18, 1986, as "National Job Skills Week." I commend Senator GORE for coming forth with it. The goal of this resolution is to increase public awareness about a very basic fact which is that our skilled work force is the basis for our "ability to maintain a competitive and productive edge necessary for

a strong economy and relatively high quality of life standard."

It also gives me pleasure to note that National Job Skills Week coincides with the anniversary of the Job Training Partnership Act [JTPA] that I sponsored. JTPA provides skill training for the disadvantaged and chronically unemployed. It was signed by President Reagan on October 13, 1982.

As chairman of the Subcommittee on Employment and Productivity for the Labor and Human Resources Committee, I have carefully analyzed the condition of our work force and the employment needs of our economy. It is very apparent that the structure of the economy will continue to be characterized by many of the same types of changes that have already occurred. For those who have examined these structural changes it is cliché to point to the evidence and sources of change such as technological improvements, worker dislocation, consumer demand, and the impact of foreign trade. My State of Indiana continues to be one of those most dramatically affected by these changes. We know that an important part of the solution is to link skill training to economic development projects.

It is crucial that workers understand that structural changes will continue and will spread throughout our economy. In turn, we must expect to train and retrain during the course of our worklives. Skill deficiencies will be more accentuated among some population groups. Labor force demographics indicate that there will be a growth in the number of potential workers who lack basic skills and work experience, inhibiting their employment potential. We are very concerned about those individuals as well as the fact that it further limits the pool of workers possessing skills that are needed.

We can act now to anticipate future skill needs and forestall skill shortages. In many respects this is difficult because economic changes are largely unpredictable. However, we can encourage individual initiative by increasing public awareness and understanding of the problem, as this resolution is designed to do. Another solution is to design education and training systems so that they are flexible. Also, we can attempt to address the education or skill deficiencies that we have already identified among some disadvantaged populations.

We attempted to do these things in recent education and employment legislation in which Congress established programs to address some of the most serious areas of skill deficiencies. These programs include the reauthorization of the Higher Education Act, the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and the Education for Economic Security Act.

Characteristically these programs take into account the unique circumstances of dislocated workers, recognize the increasing demand for post-secondary education or adult continuing education, emphasize basic skills training, target services to individuals who have been disadvantaged in having access to education and training opportunities, and, significantly, they increase linkages between education or training and business. I have been a strong and active supporter of these points.

However, the potential of Government programs can only be fulfilled by individual citizens who exercise initiative and foresight. Also, governments, Federal, State, or local, only address a small part of our training and retraining needs.

I strongly support the goal of this resolution which is to increase citizen awareness through public discussion and dissemination of information about our skill needs and problems. To deal with the larger problem, Americans will need to respond with a variety of approaches to education and training. Employers and employees must anticipate responsibility for addressing their unique education or training needs. Steps may be taken now to prepare for our future job skill needs. This joint resolution is an important step.

Again, I commend Senator GORE for sponsoring this joint resolution and I call upon my colleagues to join me in cosponsorship.

ADDITIONAL COSPONSORS

S. 519

At the request of Mr. EVANS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 519, a bill to require a study of the compensation and related systems in executive agencies, and for other purposes.

S. 1806

At the request of Mr. BOREN, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1806, a bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 2049

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2049, a bill to prohibit Export-Import Bank loans to Angola.

S. 2550

At the request of Mr. SPECTER, the name of the Senator from North

Dakota [Mr. BURDICK] was added as a cosponsor of S. 2550, a bill to amend the Packers and Stockyards Act, 1921, to remedy burdens on commerce in poultry, poultry products, and eggs, and protect poultry sellers and growers and egg producers and suppliers, and for other purposes.

S. 2565

At the request of Mr. DOLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2565, a bill to ensure the orderly and competitive development of the telecommunications industry.

S. 2654

At the request of Mr. D'AMATO, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2654, a bill to permit States and political subdivisions of States to enforce State or local anti-apartheid laws with respect to contracts funded in whole or in part by funds provided by the Federal Government.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2699

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2699, a bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets to use such assets for youth drug abuse prevention and rehabilitation.

S. 2703

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2703, a bill to amend the Federal Aviation Act of 1958 to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers.

At the request of Mr. ZORINSKY, his name was added as a cosponsor of S. 2703.

S. 2760

At the request of Mr. DANFORTH, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Louisiana [Mr. LONG], the Senator from Kentucky [Mr. FORD], and the Senator from Connecticut [Mr. DODD], were added as cosponsors of S. 2760, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week."

SENATE JOINT RESOLUTION 329

At the request of Mr. BIDEN, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. STENNIS], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. INOUE], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maryland [Mr. MATHIAS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mrs. HAWKINS], the Senator from Idaho [Mr. McCURE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 329, a joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week."

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 390

At the request of Mr. CRANSTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Montana [Mr. MELCHER], the Senator from North Dakota [Mr. ANDREWS], the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUE], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Joint Resolution 390, a joint resolution to authorize and request the President to proclaim the week of November 23, 1986, to November 30, 1986, as "American Indian Week."

SENATE CONCURRENT RESOLUTION 147

At the request of Mr. CRANSTON, the name of the Senator from Idaho [Mr.

SYMMS] was added as a cosponsor of Senate Concurrent Resolution 147, a concurrent resolution to express the sense of the Congress that the monkeys known as the Silver Spring Monkeys should be transferred from the National Institutes of Health to the custody of Primarily Primates, Inc., animal sanctuary in San Antonio, TX.

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki monitoring groups.

SENATE CONCURRENT RESOLUTION 155

At the request of Mr. SIMON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 155, a concurrent resolution expressing the support of the Congress for a transition to democracy in Paraguay.

SENATE CONCURRENT RESOLUTION 156

At the request of Mr. CRANSTON, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Concurrent Resolution 156, a concurrent resolution expressing the sense of Congress concerning the need for international cooperative efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals so as to increase, for their benefit and the benefit of the citizens of the United States and of all the world's peoples, the level of understanding of the effects of exposure to radiation.

SENATE CONCURRENT RESOLUTION 160

At the request of Mr. SIMON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Maine [Mr. MITCHELL], the Senator from Maryland [Mr. SARBANES], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 160, a concurrent resolution expressing the sense of the Congress that the jamming of radio broadcasting is contrary to the best interests of the people of the world and should be terminated.

SENATE RESOLUTION 434

At the request of Mr. WEICKER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 434, an original resolution to urge the President to submit to the Senate a nominee for the position of Administrator of the Small Business Administration.

SENATE RESOLUTION 464

At the request of Mr. ROTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 464, a resolution

to designate October 1986 as "Crack/Cocaine Awareness Month".

AMENDMENT NO. 2693

At the request of Mr. PRESSLER, the names of the Senator from Alabama [Mr. DENTON], the Senator from Idaho [Mr. McCURE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BAUCUS], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Nebraska [Mr. EXON], the Senator from Oregon [Mr. HATFIELD], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. BINGAMAN], were added as cosponsors of amendment No. 2693 proposed to S. 2701, a bill to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

SENATE RESOLUTION 480—PROVIDING FOR ISSUANCE OF A SUMMONS AND RELATED PROCEDURES RELATING TO THE ARTICLES OF IMPEACHMENT AGAINST HARRY E. CLAIBORNE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 480

Resolved, A summons shall be issued which commands Harry E. Claiborne to file with the Secretary of the Senate an answer to the articles of impeachment no later than Sept. 8, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 15, 1986.

SEC. 5. The Secretary shall notify counsel for Harry E. Claiborne of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 481—PROVIDING FOR APPOINTMENT OF A COMMITTEE TO RECEIVE AND REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST HARRY E. CLAIBORNE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Resolved, Pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and the Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. The Secretary shall notify the House of Representatives of this resolution.

AMENDMENTS SUBMITTED

COMPREHENSIVE ANTI-APARTHEID ACT

WEICKER (AND OTHERS) AMENDMENT NO. 2731

Mr. WEICKER (for himself, Mr. KENNEDY, and Mr. CRANSTON) proposed an amendment, which was subsequently modified, to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes; as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;
(B) any territory under the Administration, legal or illegal, of South Africa; and
(C) the "bantustans" or "homelands", to which South Africa blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(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.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. 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. 315. 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. 316. 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. 317. 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. 318. (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 military use.

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

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

CRANSTON AMENDMENT NO. 2732

Mr. CRANSTON proposed an amendment to the bill S. 2701, supra as follows:

On Page 77, line 19, amend section 311 (A) by adding after the comma the following: "or (4) textiles."

DODD AMENDMENT NO. 2733

Mr. DODD proposed an amendment which was subsequently modified, to the bill S. 2701, supra as follows:

On page 69, line 36, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by."

On page 70, line 2, after the comma add the following: "(1) except for agricultural products during the 12 month period from the date of enactment; and (2)".

HELMS (AND OTHERS) AMENDMENT NO. 2734

Mr. HELMS (for himself, Mr. DOLE, Mr. BOSCHWITZ, Mr. PRESSLER, Mr. THURMOND, Mr. McCURE, Mr. WALLOP, Mr. SYMMS, Mr. HECHT, Mr. DENTON, and Mr. GRAMM) proposed an amendment which was subsequently modified, to the bill S. 2701, supra as follows:

On page 53, after line 24, add the following new section:

"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."

On page 55, line 5, strike the semi-colon and insert in lieu thereof "and (B) to the families of those killed by terrorist acts such as 'necklacings'";

On page 55, between lines 14 and 15, insert the following new subsection:

"(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.

On page 55, line 17, strike 103 and insert in lieu thereof "104";

On page 55, line 20, after the word, "rights.", insert the words, "an end to cross-border terrorism.";

On page 56, line 18, strike the word, "and";

On page 56, between lines 18, and 19, insert the following new subsection

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

On page 56, line 19, strike "(6)" and insert in lieu thereof "(7)";

On page 56, line 25, strike "104" and insert in lieu thereof "105";

On page 57, line 5, strike "105" and insert in lieu thereof "106";

On page 57, line 14, adding the following new sentence: "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."

On page 59, line 3, after the word, "to" insert the following words, "suspend terrorism and to";

On page 59, line 15, strike "106" and insert in lieu thereof "107";

On page 59, line 17, strike the semi-colon and insert in lieu thereof "and to the suspension of terrorism in South Africa";

On page 61, line 4, add the following new sentence: "None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities."

On page 62, after line 24, insert the following new subsection:

"(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 'necklacings' 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."

On page 70, line 8, strike the period and insert in lieu thereof, ", 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."

On page 79, between lines 13 and 14, add the following:

"(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 ON TERRORISM"

"Sec. . (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 inhuman 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."

On page 87, after line 25, insert the following new section:

"REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA"

"Sec. 508. (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 non-white 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 section (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairman of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives."

**KASSEBAUM (AND OTHERS)
AMENDMENT NO. 2735**

Mrs. KASSEBAUM (for herself, Mr. WALLOP, Mr. SIMON, and Mr. WEICKER) proposed an amendment to the bill S. 2701, supra, as follows:

Delete Section 308 of the bill.

**KENNEDY (AND OTHERS)
AMENDMENT NO. 2736**

Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, and Mr. METZENBAUM) proposed an amendment to the bill S. 2701, supra, as follows:

On page 49, delete lines 11 through 20; and

On page 50, delete lines 4 through 13, and at line 14 delete "(iii)"; and

On page 70, line 8, insert the words "or subsidized" after the word "controlled;" and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

Sec. . Notwithstanding any other provision of law, no—

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

(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 STEEL

Sec. . 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. . No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported 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.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

EAGLETON AMENDMENT NO. 2737

Mr. EAGLETON proposed an amendment to the bill S. 2701, supra, as follows:

On page 78, strike lines 8 through 21, and insert the following:

Sec. 312. (a) This title and sections 501(c) and 503(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 and enter into good faith negotiations with truly representative members of the black majority without preconditions.

HEINZ AMENDMENT NO. 2738

Mr. HEINZ proposed an amendment, which was subsequently modified, to the bill S. 2701, supra, as follows:

Beginning on page 79, strike out line 17 and all that follows through line 13, on page 81, and insert in lieu thereof the following:

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 government. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by the 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 enter into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of section 301 through 312 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.

On page 91, line 9, strike out "disapproves" and insert in lieu thereof "approves".

**PROXMIRE (AND CRANSTON)
AMENDMENT NO. 2739**

Mr. PROXMIRE (for himself and Mr. CRANSTON) proposed an amendment, which was subsequently modified,

fied, to the bill S. 2701, supra, as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

SEC. 313. (a) This title and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that 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, * * *

(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.

if the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu thereof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or" after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the appropriate subsection designation inserted in the second blank".

DENTON AMENDMENT NO. 2740

Mr. DENTON proposed an amendment, which was subsequently modified, to the bill S. 2701, supra, as follows:

On page 69, between lines 10 and 11, insert the following new section:

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 directly or indirectly to any individual, group, organization, or member thereof, or entity that engages in, advocates, supports, or condones the practice of execution by fire, commonly known as "necklacing".

SARBANES (AND OTHERS) AMENDMENT NO. 2741

Mr. SARBANES (for himself, Mrs. KASSEBAUM, and Mr. DODD) proposed an amendment to the bill S. 2701, supra, as follows:

On page 72, between lines 5 and 6, insert the following:

SEC. 206. (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.

On page 72, line 6, strike out "Sec. 306. (a)(1) and insert in lieu thereof "(b)(1)".

On page 72, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 72, line 18, strike the word "subsection" and insert in lieu thereof "subsections".

On page 72, line 19 after "(a)" add "or (b)".

On page 72, line 22, strike out "(c)" and insert in lieu thereof "(d)".

SYMMS AMENDMENT NO. 2742

Mr. SYMMS proposed an amendment to the bill S. 2701, supra, as follows:

At the end of the Bill add the following new section:

SEC. . PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS.

(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.

HATCH AMENDMENT NO. 2743

Mr. HATCH proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place add the following:

SEC. . ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.

(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) 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 objec-

tive 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.

"(C) 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 institution."

(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.

BOSCHWITZ AMENDMENT NO. 2744

Mr. BOSCHWITZ proposed an amendment to the bill S. 2701, supra, as follows:

Add the following new paragraph to Section 312:

(c) The prohibition contained in this section shall not apply to investments in or loans to a firm owned by black South Africans, or a joint venture business entity with at least a 20 percent black South African ownership or a corporation whose board of directors are predominantly black South Africans.

CHAFEE AMENDMENT NO. 2745

Mr. CHAFEE proposed an amendment to the bill S. 2701, supra, as follows:

At the end of section 401 of the bill, add the following:

(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.

SYMMS (AND OTHERS) AMENDMENT NO. 2746

Mr. SYMMS (for himself, Mr. McCLURE, Mr. DENTON, Mr. PRESSLER, Mr. HELMS, Mr. HECHT, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place in the bill, insert the following:

(a) Notwithstanding any other provision of this Act, no prohibition contained in this Act may be imposed against South Africa if

the President determines, 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 the Treasury 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).

LEVIN AMENDMENT NO. 2747

Mr. LEVIN proposed an amendment to the bill S. 2701, *supra*, as follows:

In the appropriate place in the bill, insert the following new section:

Sec. (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 States 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.

LEVIN AMENDMENT NO. 2748

Mr. LEVIN proposed an amendment to the bill S. 2701, *supra*, as follows:

At the appropriate place in the bill, insert the following new section.

Sec. . . 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.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, August 14, for discussion only of the Uranium Mill Tailings Reclamation Act of 1985, S. 1004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, August 14, to conduct a business meeting to consider S. 2055, Columbia Gorge Scenic Area.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Thursday, August 14, to hold a hearing on the "Overview of U.S. Food Aid Programs and World Hunger."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, August 14, in closed session, to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

1,855 CUBAN DETAINEES IN ATLANTA

● Mr. JOHNSTON. Mr. President, something is going on in Atlanta that we as patriotic Americans cannot be proud of. It is a tragedy that I am sure makes many people question whether we truly respect human dignity and whether we are compassionate.

I am talking about the detention of 1,855 Cubans in Atlanta's U.S. Federal Penitentiary. Cognizant, as most of us are, of only two facts, that these Cubans arrived as part of the "Freedom Flotilla" of 1980 and that they then committed crimes in this country, it is understandable that many of us see no injustice in their detention. These Cubans appear unappreciative of the great opportunity to live in our society and certainly do not appear to measure up in quality to the millions of others who wish to do so.

Their detention, however, is an injustice. It is an injustice because of the harshness of the conditions. In any country, these conditions would be abhorrent. In this rich, democratic country, they are abhorrent and disgraceful and run against our view of ourselves as generous, tolerant people. In addition, they make the declarations we have made to advance human rights appear hypocritical.

One thousand two hundred thirty-six of the Cubans live in two cellhouses, consisting of five layers of 10-by-21-foot cells, which is about the size of a one-car garage. In each cell live

eight men. Many of the detainees have been locked in those cells 23 hours a day for the past 20 months.

Reporters are not permitted to visit the punishment wing, cellhouse E. An American inmate, who lives separately from the Cubans, but who has on three occasions visited the wing, told the Atlanta Constitution, "The yelling and the screaming is almost unbearable." He said the guards give the Americans earplugs when they are sent in there. Summarizing the general conditions, an Atlanta Constitution reporter said the Cubans' situation "in the Atlanta pen defies description in the usual terms of American justice and punishment."

As might be expected, the detainees are not holding up well. Since 1980, 4,000 cases of self-mutilation have been recorded. There have also been eight suicides.

"Detainee," as the label for these persons is carefully chosen. It is more appropriate than "convict" because most of the Cubans have already served their time. In other words, for the majority, the punishment is supposed to have ended. The American Government, specifically, the U.S. Department of Justice, apparently does not understand this. To impress upon the Government what is going on appeals are being made to human rights organizations, including the United Nations.

It is true that this country has been caught by political events. We had intended to return these persons to Cuba, but due to a disagreement with Mr. Castro, that country will not take them back. I do not, however, believe these circumstances allow us to treat these Cubans as subhuman.

Moreover, it should be pointed out that many are in the penitentiary for committing crimes that were by no means serious. Granted, some are in for extremely serious crimes, such as rape and murder, but some are there for shoplifting.

It might be argued that in this era of budgetary restraint, our Government cannot afford the extra expenditure of improving the detainees' conditions. My answer is that human dignity and this Nation's reputation for compassion demand special priority. Moreover, we are only talking about 1,855 people, not about a large segment of the population. Perhaps we can make up for the loss by a commensurate and therefore negligible reduction in Federal highway expenses or expenses for chemical weapons.

I have two recommendations. One is that the living conditions for all the detainees be drastically improved, even for the worst offenders.

My other recommendation is that the records of the individual detainees be examined much more carefully. Perhaps the best way to do this would be for the Government to grant public

hearings, complete with meaningful legal representation. Those who the judge decides have not been excessively violent and are mentally stable and appear likely to become useful members of society should be admitted to halfway houses. And those who make that transition without trouble should be paroled.

But before we have to legislate to make such changes, I hope the person most directly responsible for this disgraceful situation, the U.S. Attorney General, can find it within himself to reduce the suffering of these detainees, if not out of compassion, at least out of a desire to uphold the image of his country.

Mr. President, I ask that the articles from the Atlanta Constitution on the Mariel people be included in the RECORD.

The articles follow:

NOT EVEN JUAN DESERVES THE PEN
(By Frederick Allen)

No question, Juan's story was going to be a tear-jerker.

The official mental health evaluation of a Cuban prisoner rested atop a sheaf of documents sent to me by Gene Guerrero, the executive director of Georgia's chapter of the American Civil Liberties Union, to lend support to his organization's complaint to the United Nations that the continuing, indefinite detention of about 1,800 Cubans at the Atlanta Federal Penitentiary is a gross violation of human rights.

Juan, as we will call him, since his real name was inked out, is one of the Marielitos, and his story unfolds through an interview conducted in March by a U.S. Public Health Service doctor in Rockville, Md.

According to a section of the report devoted to vital statistics, Juan is a 5-foot-7-inch, 157-pound, Havana-born Catholic with a seventh-grade education, the son of a truck driver and a schoolteacher, who arrived during the "Freedom Flotilla" at Key West, Fla., on July 16, 1980.

The item that leaps off the page is his age. Juan was 13 years old when he arrived in Florida, and he is just 19 now. Surely, one thought, Gene Guerrero had found a child in prison—an innocent who was swept up in the hysteria, doomed to life in a cramped cell because the U.S. government harbors an irrational fear of Cubans.

But this was not exactly the case.

Upon arrival, Juan was processed through immigration and, four days later, sent to New York, where he was sponsored by an aunt who ran a clothing factory in the Bronx. According to Juan, his aunt made him work grueling hours—from 7 a.m. to midnight—and took him out of school.

CANDIDATE FOR REHABILITATION?

"On one occasion," the report continues, "he discovered some welfare money that was supposed to go to him and was being taken by his aunt and her family. He complained and she grabbed him by the neck and attempted to strangle him in the company of her son and a cousin who also had arrived through the Mariel boatlift. At that time he was thrown out of the house, and he just wandered through New York City for four months."

At this point in the account, frankly, one begins to entertain some nagging doubts about Juan. It would be interesting, for in-

stance, to hear the aunt's version. But the story quickly picks up pace. Indeed, it becomes astonishing.

Juan, after wandering the streets, "met someone in school [who] gave him a place to live in his home. Unfortunately, this individual was into mugging elderly couples in the Bronx and [Juan] felt he had to join him in the ventures."

What a marvelously offhanded disclosure! Suddenly we have a fellow who is "into" mugging, much as someone might get "into" macramé, with poor Juan drawn faithfully along into the "ventures," as though making an unwise business investment. Not only does one begin to wonder about Juan, but also about the government doctor who wrote the report.

In any case, Juan was arrested, served a 2½- to seven-year sentence in Sing Sing, was then sent to a detention center in Arizona (where another Cuban refugee stabbed him in the neck during an argument over a female staffer), and finally wound up in the Atlanta Pen.

The doctor's recommendation? Highly optimistic: Juan is "a very good candidate for rehabilitation," and should be released after six months in a halfway house.

IF HE WERE AN AMERICAN . . .

The story, unhappily, is not unusual. Another government evaluation provided by the ACLU tells of a man who lost his parole when "he got involved in an incident when he went fishing because he saw a boat that was lost—he was trying to bring in the boat, but there was marijuana in the boat."

Sure. Happens every day.

The reports do not provoke sympathy at all, of course, but an urge to scream: The Cubans stuck in the prison system had been awarded one glorious, golden opportunity to live in freedom in the United States, and they blew it. About 120,000 of their fellow Marielitos have managed to obey the law. It is hard to pity the 5,000 who didn't.

And yet, if pity is inappropriate, so is a life sentence in a hellhole. In this country, we get angry with lawbreakers and we punish them. But we try to do so in humane prisons, and we try to make the punishment fit the crime.

We lock up a teenager like Juan, but not in a broom closet, not cheek-by-jowl with violent adults—and certainly not forever. Juan is no prize, God knows, but he is a human being. If he were an American citizen, he would be out on the streets by now.

At some point soon—despite our misgivings, with no guarantee of success—we ought to take a deep breath, say a prayer, grant parole and give Juan another chance.

We ought to treat him, in short, like an American criminal.

1,855 CUBAN INMATES WAIT FOR THEIR FATE

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door."—Inscription on the Statue of Liberty.

In the summer of 1980, roughly 125,000 Cubans poured into the Cuban port of Mariel, intent on leaving a life of poverty and political repression for a new start in the United States.

Behind them were hostile mobs of Fidel Castro loyalists, who stoned them and burned them in effigy. Ahead were the inviting words of President Jimmy Carter who said America welcomed them "with an open heart and open arms." Drowned out in the noise of diesel boat engines was the rest of

Carter's message: The Cubans must comply with U.S. immigration law.

Most of the Cuban immigrants who filled Florida refugee camps that summer were law-abiding. But not all. On the other side of the Florida straits, officials had circulated a message inside Cuba's prisons: We'll help you go to America.

Today, 1,855 Mariel prisoners—shoplifters as well as rapists—are warehoused in the Atlanta Federal Penitentiary. Most are packed in stale, cramped cells in groups of eight. Many have been locked in those cells 23 hours a day for the past 20 months. More than 2,800 others are destined for Atlanta when they complete sentences in state prisons and local jails.

A congressional committee called conditions at the penitentiary the worst of any U.S. prison. Political and church groups, alarmed by the incidence of violence, suicide and self-mutilation among the inmates, have called on the United Nations to investigate for alleged human rights violations—a charge usually leveled at Cuba.

Despite their presence behind bars, the Cubans are not legally prisoners. In theory, the United States is detaining them for deportation. But for now, Cuban President Fidel Castro refuses to take them back.

Six years after the boatlift—which former Carter administration officials now admit was mishandled—no good options remain. The United States can release potentially dangerous refugees into society, keep them in prison indefinitely or negotiate to send them back to possibly a grimmer fate in Cuba. Delay only worsens the dilemma. Each day the Mariel refugees stay in prison, their chance of ever functioning in American society shrinks and criticism about human rights violations grows louder.

While their fates are debated, the undesirables wait.

"The personality evolves," says Leonel Alfonso, locked down in an eight-man cell since October 1984. "A lot of people are becoming crazy."

ANNIVERSARY OF THE COUNTRY GENTLEMEN

● Mr. WARNER. Mr. President, as we celebrated July 4, Independence Day, the anniversary of our Nation's struggle for freedom and individuality, we recognized some of the artists who have contributed to our uniquely American culture.

One of the most distinctive American musical forms is that southern country favorite, bluegrass music, which, since its beginning in the bluegrass region in Kentucky, has developed and grown along with the region and the Nation. Bluegrass captures the spirit and musicality of the country folk of the southern mountain region of the United States, and is one of the few musical forms uniquely developed in the United States.

One of the foremost bluegrass bands in the United States is the Country Gentlemen. The Country Gentlemen also celebrated its anniversary on July 4, and I wish to commend the band on its success and its contributions to our musical heritage.

The band's leader, Charlie Waller, began the group on July 4, 1957, with

an appearance at a small Virginia nightclub. He and his band have taken this delightful art form across the country to college campuses and bluegrass festivals and played in such centers of American music as Carnegie Hall, the Lincoln Center in New York City, and the Grand Ole Opry in Nashville, TN. They have also been the ambassadors of American music and spirit abroad, taking bluegrass music on concert tour through Europe and Japan.

Charlie Waller and his Country Gentlemen are the premier bluegrass band in the United States. Just this year, they received numerous awards at the Society for the Preservation of Bluegrass Music of America 12th Anniversary Bluegrass Music Awards National Convention at the Opryland Hotel in Nashville, TN. Bill Yates was named Bluegrass Bass Fiddler of the Year; Charlie Waller was named Bluegrass Rhythm Guitar Player of the Year and Male Vocalist of the Year. The band was named Bluegrass Band of the Year instrumentally, and, once again, received the honor of Overall Bluegrass Band of the Year.

The success of the Country Gentlemen has special meaning to me as a Senator from Virginia. All of the current members of the group are from the Commonwealth of Virginia, where they made their debut 29 years ago. I take great pride in commending to my colleagues in the Senate these talented and dedicated sons of the Commonwealth.

This year, the Country Gentlemen marked its 29th anniversary with a performance in Portsmouth, OH on July 5. I congratulate Charlie Waller and the other members of the band, Bill Yates, James Bailey, and Norman Wright, as well as the many talented Country Gentlemen alumni, for perfecting and spreading this musical tradition that so charmingly captures the spirit and musicality of America's southern country folk.●

A CALL FOR PEACEFUL CHANGE IN SOUTH AFRICA

● Mr. HART. Mr. President, the Baltimore Sun published an eloquent call for peaceful change in South Africa by the distinguished Senator from Maryland, Mr. SARBANES.

His article, "Sanctions Against Pretoria," makes a powerful and persuasive case for a more aggressive foreign policy against apartheid in South Africa. Senator SARBANES understands that the administration policy of "constructive engagement" has failed, and that the leverage offered by the imposition of economic sanctions by the United States represents the last, best hope for peaceful change and majority rule in that troubled country.

In the debate of South Africa, as with most questions involving the foreign and domestic policies of the

United States, Senator SARBANES has been an activist—an activist for moral leadership, an activist for democratic principles, an activist for America.

As the Senate considers sanctions against South Africa, I urge all my colleagues to read this thoughtful article by our colleague, PAUL SARBANES:

SANCTIONS AGAINST PRETORIA

(By Paul Sarbanes)

WASHINGTON.—The Senate bill of economic sanctions on the government of South Africa, while not as far-reaching as some members, including myself, had urged, is a major step forward. The bill is a declaration of unequivocal opposition to the apartheid regime in South Africa. More important, it represents American determination to act on that declaration.

With strong bipartisan support, the bill sharply reverses the Reagan administration's policy of constructive engagement, a failed and discredited policy that is perceived by black and white South Africans alike as an endorsement of the vicious apartheid system.

The bill builds on congressional action of a year ago, when limited sanctions—banning loans to the public sector, computer sales to apartheid/enforcing agencies, sales of military related articles and nuclear experts, and imports of the kruggerand gold coin—were approved. At that time, to avoid imminent congressional passage of the legislation over his veto, President Reagan imposed very limited sanctions by an executive order which is now about to expire.

Congress, unlike the president, has gone beyond immediate limited sanctions to provide for additional sanctions over time in the absence of "significant progress" toward ending apartheid. Regrettably, the situation today is far worse than it was a year ago.

The limited state of emergency imposed in July 1985, was lifted in March, but replaced in June by a more oppressive nationwide state of emergency that has led to the deaths of hundreds and the detention of thousands. South Africa's black political leadership, first and foremost Nelson Mandela, remains in prison. South Africa continues its acts of military aggression against neighboring states and has recently initiated damaging economic measures.

In the meantime, the degrading structure of apartheid remains in place. The "pass laws" have been revoked, but a new law requiring a national identity document has been substituted. The right of black South Africans to own land has been recognized, but only within the government's black townships. The Mixed Marriages Act has been repealed, but residence laws still prohibit spouses of different races from living together. Black South Africans will no longer be stripped of citizenship, but of the roughly 9 million already deprived only a small proportion will have their citizenship restored. Arbitrary arrest and detention remain the order of the day.

The Senate's response to the continuing tragedy and outrage in South Africa is logical, necessary and right. Major new provisions in the bill prohibit new investment, bank loans to the private sector, imports of goods produced by state-owned or controlled corporations, and uranium and coal imports. The bill also suspends direct air travel between South Africa and the United States and clamps down on South African government deposits in U.S. banks.

If South Africa takes concrete steps toward dismantling the apartheid system, beginning with the release of Nelson Mandela and other political prisoners, the bill stipulates that the sanctions may be lifted. By the same token, the bill makes possible further sanctions in a year's time if steps to eliminate apartheid are not taken.

Some critics of the legislation argue that sanctions will hurt blacks. Bishop Desmond Tutu has eloquently rebutted this argument. "Blacks are saying we are suffering already," he wrote recently. "To end it, we will support sanctions even if we have to take on additional suffering. I must ask, to whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?"

Critics also argue that sanctions will not "work." Such an argument addresses the wrong question. We do not know for certain that sanctions will "work." We do know, however, that the absence of sanctions has not worked. The Eminent Persons Group, after six months' intensive study and negotiation in South Africa, concluded that "It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change."

A sanctions policy, Bishop Tutu said not long ago, is "the last non-violent option left and it is a risk with a chance." In the face of South African government intransigence, it is a chance we must now take.●

THE VALUE OF SPACE RESEARCH PROGRAMS

● Mr. TRIBLE. Mr. President, with the tragic explosion of the *Challenger* in January and the ensuing efforts to return this Nation to its full space transportation potential, little notice is given to the basic research programs being daily conducted at NASA. I would like to draw the attention of my colleagues to work that NASA's Langley Research Center in Hampton, VA, performed in understanding a severe problem being experienced by the world's commercial jet fleet starting in 1982 and extending over a period of several years.

In 1982, a sudden severe acrylic window-crazing problem was experienced by the world's commercial jet fleet. "Crazing" is the term applied to the development of little, hair-like cracks in jet windows, often producing a hazy effect. The problem was causing cockpit and passenger cabin windows to become so badly crazed that they required replacement, in some cases after 400 to 500 flight hours. Normal replacement would take place in the neighborhood of 20,000 to 30,000 flight hours. The problem was causing a major disruption of airline schedules and costing the airlines millions of dollars.

The Air Transport Association formed a working group to study the problem. Initially, many reasons were attributable to causing the severe crazing: contamination of deicing fluids; chemical attack by rain repellent;

cleaning materials; waxes; a change in the manufacturing process or materials used to fabricate the windows. The group also surveyed possible atmospheric conditions which might lead to the problem; eliminating acid rain and ozone concentrations, it was conjectured that volcanic eruptions contributed substantially to atmospheric pollution.

With data obtained by Dr. M.P. McCormick, of the Atmospheric Sciences Division at NASA Langley, through its worldwide monitoring of atmospheric conditions, it was learned that this volcanic material—solid particles and sulphuric acid droplets—had encircled the globe and was trapped in the stratosphere where it tends to stay because of the very stable character of the stratosphere. In contrast, material injected into the troposphere tends to dissipate rapidly because of its turbulent nature. The significance of debris trapped in the stratosphere becomes significant in relation to the crazing pattern when one understands that the tropopause which separates the troposphere from the stratosphere varies considerably as a function of latitude. In the northerly latitudes—above approximately 45 degrees north—the average tropopause drops down to about 20,000 to 30,000 feet. At the more southerly latitudes, the average altitude of the tropopause is around 50,000 feet. Transports flying in the more northerly latitudes—for example, from Seattle to Japan—would always be cruising in the stratosphere and thus in contact with this volcanic debris.

Using this information, a strong correlation between the crazing data and the worldwide volcanic eruptions and, in particular, the eruption of El Chichon, and the consequent placement of volcanic debris into the stratosphere of a worldwide basis, was shown.

Laboratory tests confirmed the sensitivity of acrylic materials to contact with sulfuric acid. Additional data provided by NASA Langley Research Center indicates that the aerosol mass—primarily sulfuric acid droplets—in the stratosphere has been dropping since about mid-1983 as the volcanic debris gradually dissipates. It has now reached a level equivalent to that prior to the 1980 eruption of Mt. St. Helens and, therefore, has reached a somewhat normal level. At the same time, operator reports indicate that the crazing situation is also improving and has reached a level approximately equal to that prior to the epidemic situation. The window crazing problem dissipated in accordance with the predictions of Dr. McCormick on the dissipation of the atmospheric pollutants from the stratosphere.

In sum, all evidence indicates that the major cause of premature acrylic window crazing experienced by some

airlines in 1983 and 1984 was the eruption of El Chichon and the consequent placement of volcanic pollution in the stratosphere. This is a unique and unexpected aftermath of volcanic eruptions and has not been previously experienced in the short time space in which modern aircraft have cruised in the stratosphere.

A number of commercial airline programs were initiated to understand the problem and develop methods of alleviating the problem. As a result, a number of advancements to provide improved window performance in airline service have been made. In addition, these studies indicate the need for some rethinking of, and revisions to, current acrylic material specifications.

While both atmospheric data and airline window removal statistics indicate that the premature crazing problem has passed, aggressive efforts should continue to improve craze resistance of aircraft windows. When will another eruption like El Chichon occur?

This episode again illustrates the value of basic space research programs in providing data which have many applications not conceived at the time the programs are initiated.●

POLITICAL EXCLUSION PROVISIONS OF CURRENT IMMIGRATION LAW

● Mr. SIMON. Mr. President, I submit for the RECORD a column by Mrs. Coretta Scott King which appeared in the Atlanta Journal and the Atlanta Constitution on June 29, 1986.

I am confident that all of my colleagues recognize Mrs. King as a prominent leader in the area of human rights and social justice. Her column focuses on an area of our law which has been an embarrassment to our country for over 30 years.

Mr. President, the law in this area simply does not make sense. Right now, a visitor to this country may be denied, according to the Immigration and Nationality Act—also known as the McCarran-Walter Act—a temporary, nonimmigrant visa simply because of beliefs he or she may hold. In the last few years there have been innumerable cases of people who have been denied visas because of this law and it is embarrassing to the United States in the world community.

This law is contrary to everything our country stands for and it is clearly not what Jefferson, Madison, and others had in mind when our Nation began.

I urge my colleagues to read Mrs. King's article and realize just how foolish this law is.

The article follows:

[From the Atlanta Journal, June 29, 1986]

U.S. IMMIGRATION LAW IS FORM OF CENSORSHIP

(By Coretta Scott King)

As we prepare for our 210th Independence Day celebration, the right of free expression remains the cornerstone of American democracy. Unfortunately, one federal law passed during the McCarthy era continues to undermine the nation's credibility as a champion of free speech.

The Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, was passed over the veto of President Harry Truman, who explained, "Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike." Although the legislation laid the foundation of modern immigration law, Truman disapproved of some of the 33 reasons the bill listed for denying entry to visitors and immigrants.

Some of the reasons—criminal history, insanity, disease and moral turpitude—provide ample opportunities for abuse in their application. None of these, however, has caused more problems than Section 212(a) 27-29, which was used in 1984 to deny entry to more than 700 individuals because of their political beliefs. No other Western democracy excludes visitors on this basis.

The list of people who have been denied visas under the McCarran-Walker Act in recent years is a national embarrassment (several were admitted subsequently). It includes some of the world's most distinguished writers and artists—Italian playwright Dario Fo, English novelist Graham Greene, Spanish filmmaker Luis Bunuel, Vietnamese pianist Dang Thai Son, Mexican writer Carlos Fuentes and Canadian writer Farley Mowat.

Nobel Prize winners Gabriel Garcia Marquez, Czeslaw Milosz and Pablo Neruda have all been barred by the McCarran-Walker Act. As former Assistant Secretary of State Hodding Carter III said recently in an interview, "The Russians have made it hard for Nobel laureates to get out of the Soviet Union. We have made it hard for Nobel laureates to get into the United States."

Other public figures have been denied visas by the act. Before he was elected Canada's prime minister, Pierre Trudeau had problems with McCarran-Walter. Italian General Nino Pasti, a former vice supreme allied commander of NATO, was denied a visa to the United States after he began to speak out against further U.S. missile deployments in Europe.

Supporters of the act claim that the First Amendment's prohibition of the abridgment of free speech does not apply to aliens. The American Civil Liberties Union argues that past court decisions upholding the act have been clouded by peripheral issues.

Meanwhile, measures have been introduced in Congress to correct the injustices of the act and bring the United States into compliance with the Helsinki Accords on Human Rights. In the House of Representatives, Rep. Barney Frank (D-Mass.) has proposed a broad amendment (H.R. 2361) that would reform U.S. visa policies in a number of areas, including the elimination of purely political or ideological considerations as a reason for exclusion. Sen. Paul Simon (D-Ill.) is sponsoring the Immigration Exclusion Amendment Act (S. 2177) that would ensure that "No one may be denied a temporary visa because of his or her political beliefs," while excluding people who are sus-

pected of engaging in terrorism or espionage.

There is growing support for the argument that withholding visas because of political views is a form of censorship unacceptable for a great democracy. When this position is adopted as the undisputed law of the land, all the rhetoric about the sanctity of freedom of speech and expression in our democracy will have new credibility and meaning. ●

WESTLANDS SETTLEMENT

● **Mr. McCLURE.** Mr. President, on July 24, the Secretary of the Interior submitted to Congress for its review a proposed settlement in the case of Westlands Water District versus United States, a longstanding and complicated lawsuit filed in 1981. Negotiations between the Westlands Water District and the United States to settle the issues associated with the litigation were begun 2 years ago with the encouragement of the Federal District Court in California.

Since the time the settlement was submitted to Congress for review, news articles and editorials have appeared which have tended to distort or misrepresent the argument and the purpose behind it. Last week, action was taken in the other body during consideration of the Interior appropriations bill which would prevent the settlement package from being submitted to the court for consideration. I believe this action was unwise and unwarranted.

I have worked closely with Secretary Hodel for many years, and have always found him to be above board and honorable. He is motivated by what he believes to be right for the country. The Secretary has written to me outlining the reasons he believes this settlement is sound, and why he chose to allow it to go forward. I think this information should be available to Members of the Senate and the public to set the record straight, and I ask that the text of Secretary Hodel's letter be printed in the RECORD. I also ask that a statement issued by Congressman TONY COELHO, characterizing the agreement and its status be printed in the RECORD following the Secretary's letter to me.

The material follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, August 5, 1986.

HON. JAMES McCLURE,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As you know, last week I submitted a proposed settlement of the Westlands litigation against the United States for congressional review. Since that time, opponents to the settlement have made a number of allegations that are based on invalid assumptions about the litigation itself. Because your committee has jurisdiction in this area, I would like to provide you with the justification behind my decision to seek a settlement of this case.

The most critical element in the settlement is the 1963 contract between West-

lands and the United States. Despite all of the controversy and conflicting opinions surrounding it, the validity of the 1963 contract has never been in question. In fact, former Solicitor Krulitz' opinion, upon which the lawsuit is based, specifically states that the contract is valid and has not been superseded or rescinded by the parties to the contract. Thus, Westlands base water supply of 900,000 acre-feet would continue to be supplied at \$7.50 per acre foot, plus a \$0.50 an acre-foot service charge, under any realistic scenario.

Those who oppose the settlement have assumed that the lawsuit itself offers some sort of leverage to the Federal Government to force the District to amend its 1963 contract and thus come under the Reclamation Reform Act of 1982. As you are well aware, the Reform Act applies only to new and amendatory contracts entered into after its passage. Any district which seeks a new or amendatory contract must come under the provisions of that Act.

Because the validity of the base supply of water at the contract rate is not an issue in the lawsuit and the California law which authorized the merger of Westlands and Westplains into the Westlands Water District of today gave the farmers in the original Westlands priority right to the water, it is highly unlikely that the majority of the members of the District would accept an amendatory contract. Simply put, the majority of the District's members can be served by the base supply and need no new distribution of drainage systems. The majority could easily block the adoption of any amendatory contract as their needs have already been met. Thus, any perceived leverage to force the entire District to amend its contract is illusory.

However, we believe the settlement will increase revenues to the Treasury more rapidly than litigation. Through the settlement, the Federal costs of building the delivery system and providing water, currently \$16.40 an acre-foot, will be charged for all the water delivered to the Westplains area. As the 1963 contract provides for interim water at the contract rate of \$8 an acre-foot, this is a clear improvement from the government's standpoint.

Some critics of the settlement have suggested that we should charge \$42 an acre-foot for all of the water delivered to the District. This "full cost" charge would add an interest component to the repayment. By law, full cost is only charged to individual farmers who operate farms larger than the ownership limits set by the Reform Act. Even under those conditions, that charge is only applied to water delivered to lands leased in excess of the ownership limits. Full cost will be applied, when appropriate, but it is incorrect to assume the government could receive \$42 an acre-foot for the entire water supply.

Without settlement, any move to apply the Reform Act must come from the District, barring a court order to the contrary. I might also point out that the so-called hammer clause of the Reform Act, which does indeed apply to contracts entered into before 1982, will be coming into play next year, and may influence individual farmers to come under the provisions of the Reform Act.

As I noted earlier, the California law which provides for the merger of Westlands and Westplains gives the original Westlands priority use of the water. I bring this up again to stress the fact that growth of Westlands has been accommodated through en-

tirely legal means. Because former Solicitor Krulitz stated that only lands shown of the 1956 feasibility report to Congress on the San Luis Unit were eligible for service, opponents to the settlement have implied that Westlands added new lands illegally. That is simply not the case. Indeed, some of the lands outside of the so-called Krulitz service area have been part of Westlands since it was formed in 1952.

In fact, the Krulitz opinion overturned a 1962 opinion by the Regional Solicitor that all of the original Westlands was within the authorized service area. He also overturned a long-standing Reclamation policy, based on material submitted to Reclamation through the Solicitor, which allows lands adjacent to the area shown in the original feasibility study for the San Luis Unit to be served by federally developed water if no major changes in construction resulted. These decisions were in place before the 1963 contract was signed. Subsequently, Congress appropriated funds for construction of delivery systems to these lands.

On June 17, 1986, after a thorough review of the relevant law and facts, the Department's current Solicitor, Ralph Tarr, provided a written analysis of the Krulitz opinion. Solicitor Tarr found that the former Solicitor had incorrectly ignored these consistent administrative interpretations, which had been followed for more than 15 years by the Department. Solicitor Tarr concluded that, by its terms, the authorizing legislation did not prohibit service to the entire Westlands Water District as currently constituted.

There is an additional element of the 1963 contract that deserves some attention. The original contract makes provision for drainage service to the District. However, due to the selenium problems at Kesterson Reservoir, I have ordered the closure of the drain. That order has been complied with. The United States is no longer providing drainage service to the District. The settlement does not obligate the United States to provide drainage service.

However, the settlement still requires that Westlands pay the \$0.50 an acre-foot drainage service charge. Of greater importance is the District's agreement to create a trust fund, which will total \$100 million, to be used as a cost sharing contribution toward any future drainage facilities which the government might build in the District. Consistent with Reclamation law, of course, the District would be required to repay its share of the remainder of the construction cost for any future drainage facilities. Westlands would also be required to cover the operations and maintenance charges for any new facilities.

Opponents of the settlement maintain that the costs for new drainage facilities will be shifted to the other beneficiaries of the Central Valley Project. This would only happen if Westlands were unable to pay. As you are aware, Westlands alone has provided almost all of the repayment for the Central Valley Project. This fact speaks for itself. I firmly believe that Westlands has the ability to pay, and will pay, its share of any future drainage costs.

Admittedly, the 1963 contract has many problems. It is not what I would characterize as a good contract, although it was hailed by President Kennedy when he approved it in 1963. Ideally, we would be able to wipe the slate clean and develop an entirely new contract to resolve the difficult situation which now presents itself. Clearly, we have learned a good deal through our ex-

perience with this contract, and many like it that were signed at that time. As we have testified before your Committee, all of the water service contracts signed by this Department over the past five years contain clauses which allow us to escalate the charges we make for water at specified dates. We would not enter into a contract similar to the 1963 contract with Westlands again.

Because the validity of the 1963 contract is not in question and is not an issue in the lawsuit, I believe that the settlement currently before Congress for its review indeed represents the best interests of the Government. Through execution of the settlement, the Treasury will receive more revenues than it would if we won on all of the issues associated with the present lawsuit, which is a doubtful outcome at best. The settlement will also bring stability to the water supply and drainage issues in the San Joaquin Valley—the stability needed to address the other difficult issues we face as we seek to resolve the long-term drainage issues represented by the problems at Kesterson.

Although the 1963 contract is far from ideal, it has often been observed that great men and great nations keep their word. I continue to maintain that the proposed settlement is in the best interests of the United States. I would be happy to discuss the issues associated with the settlement in greater depth with you or your colleagues in the Senate.

Sincerely,

DONALD PAUL HODEL.

STATEMENT OF CONGRESSMAN TONY COELHO
REGARDING ANNOUNCEMENT OF U.S. INTERIOR
DEPARTMENT-WESTLANDS SETTLEMENT

It is important to note that this proposed settlement is just that: a proposal. It still must be accepted by the court, and Congress will also have an opportunity to review the settlement and the decree.

I am glad that the settlement is now being discussed publicly. During the past year, we have witnessed an abundance of misinformation, innuendos and allegations that I am confident will be corrected now that everyone can review the facts. It is especially important to note that the settlement clearly abides by the Reclamation Reform Act of 1982, and that there will not be a transfer of drainage costs to other water and power users in the state. This is good settlement for farmers, water users, and most importantly, for taxpayers.●

IMPEACHMENT OF JUDGE
HARRY E. CLAIBORNE

ORGANIZATIONAL MEETING OF COMMITTEE ON
RULES AND ADMINISTRATION

● Mr. MATHIAS. Mr. President, I submit for printing in the RECORD a memorandum that has been sent to all members of the committee appointed by the Presiding Officer in the matter of the impeachment of Federal Judge Harry E. Claiborne advising of an organizational meeting of the committee on August 15, 1986, at 9 a.m. in the Senate Russell Building, room SR 301.

The memorandum follows:

U.S. SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,

Washington, DC, August 14, 1986.

To: Members of the Committee appointed by the Presiding Officer of the Senate

pursuant to Rule XI of the Senate Impeachment Rules on the matter of the Impeachment Trial of Federal Judge Harry E. Claiborne.

From: Senator Charles McC. Mathias, Jr.
Subject: Organizational Meeting of the Committee on August 15, 1986 at 9:00 am in the Senate Russell Building Room SR 301.

The first clause of Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials provides "That in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of twelve Senators to receive evidence and take testimony at such times and places as the committee may determine..."

As you know, the Senate adopted Senate Resolution 481 on August 14, 1986, to provide for the appointment of such a committee. In order to proceed expeditiously on this matter, I am calling a meeting of the committee for August 15, 1986, at 9:00 am, in the Rules and Administration Committee hearing room in the Russell Building: Room SR-301.

I am enclosing copies of Rule XI, together with Senate Resolution 481. An agenda will be provided at the meeting.●

NAUM AND INNA MEIMAN:
RIGHTS DENIED

● Mr. SIMON. Mr. President, since Naum and Inna Meiman applied for exit visas to emigrate to Israel, they have had to suffer much pressure and harassment by Soviet authorities.

The Meimans are an elderly and ailing couple whose only desires are to seek additional medical treatment for Inna's cancer and to be reunited with their daughter, Olga, who lives in the West. The Soviet Government has denied Naum and Inna these basic rights.

The Soviets claim that because of classified work Naum completed over 30 years ago, he has been privileged to state secrets. Naum's calculations have long been neither secret nor of any interest or significance to anyone anywhere. Even more disturbing, however, is that the reason that the Soviets' continue to refuse Inna is that she has lived with Naum for too long. The Meimans have been married for 5 years, 25 years after Naum's classified work ended.

Inna's illness is aggravated by the multiple stresses of her life as a refugee. The Meimans have gone through all kinds of harassment such as searches, shadowing, and disconnection of their telephone. In addition, Naum was forced to retire from his job.

I strongly urge the Soviet Government to grant the Meimans their right to emigrate to Israel.●

SOVIET RADIO JAMMING

● Mr. SIMON. Mr. President, last week, I submitted Senate Concurrent Resolution 160 along with Senators HATCH, DIXON, LAXALT, REIGLE, and HATFIELD. The concurrent resolution, which calls for the President to negoti-

ate an end to Soviet jamming of Western broadcasts, particularly the Voice of America (VOA), was referred to the Committee on Foreign Relations on August 12, 1986. We are also sending a letter to Mr. Charles Wick, Director of the U.S. Information Agency (USIA), asking him to use his good offices to promote an end to Soviet jamming.

This concurrent resolution coincides with the sixth anniversary of the resumption of Soviet jamming of VOA and other radios, which will be August 20. Other radios jammed for the past 6 years include the BBC, Deutsche Welle, Kol Israel, and Radio Beijing. These radios were not interfered with between September 1973 and August 1980.

I believe that an opportunity has arisen to end Soviet jamming of most Western broadcasts. General Secretary Mikhail Gorbachev has been actively engaged in efforts to gain greater acceptance in Western Europe. Talks have begun between Moscow and Jerusalem, and renewed efforts at normalization of relations have been made between Moscow and Beijing. United States-Soviet exchange programs, including youth exchanges featuring for the first time Soviet high school students, are expanding.

Vladimir Posner, a leading Soviet media spokesman who often appears on U.S. television news shows, recently said at an American Enterprise Institute conference that Soviet jamming of Western broadcasts were "counter-productive" and that "it would be a good idea to get some changes there." There have been other changes inside the Soviet Union and within the Soviet foreign policy establishment that indicate positive changes in this area.

The Spirit of Geneva cannot flourish if we refuse to communicate with each other. I believe it is in the Soviets' interest to stop jamming VOA and other international broadcasts, and it is my hope that Mr. Gorbachev will see it in the same light. I am confident that negotiations toward this end can be successful if we start talking to each other and stop shouting at each other.

We need to replace rhetoric with reason. This measure is a good first step. I ask my colleagues to join with us and cosponsor this concurrent resolution, and I ask that the text of the concurrent resolution that I earlier submitted be printed in the RECORD.

The text follows:

S. CON RES. 160

Whereas the free flow of information across national boundaries is in the best interests of the people of the world;

Whereas increased communication between the people of the United States and the people of the Soviet Union will reduce the chance that conflict will arise out of misunderstanding and will thereby bring

about a more secure and lasting world peace;

Whereas free and open communication reinforces the "spirit of Geneva" which the United States and the Soviet Union have been trying to foster since November 1985;

Whereas the United States and the Soviet Union are obligated under the United Nations Declaration on Human Rights to guarantee the right to "seek, receive, and impart information and ideas through any media and regardless of frontiers";

Whereas the United States and the Soviet Union, as signatories of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Accords"), have commonly declared it "their aim to facilitate freer and wider dissemination of information of all kinds";

Whereas the United States and the Soviet Union, as signatories of the 1973 International Telecommunications Convention, have committed themselves to taking all practicable steps to prevent the jamming of the radio services of communications of other signatories;

Whereas the Voice of America, as a radio service of the United States Government, is bound by law through its charter to uphold the highest standards of truth and credibility in its presentation of the news, significant American thought and institutions, and the policies of the United States;

Whereas during the period beginning in 1973 and ending in 1980, the Voice of America was free from jamming of its broadcasting in all Soviet languages;

Whereas August 20, 1986, marks the 6th anniversary of the resumption of the jamming by the Soviet Union of the Voice of America and other Western radio broadcasts, including broadcasts of the British Broadcasting Corporation, Deutsche Welle, Kol Israel, and Radio Peking; and

Whereas the jamming of radio broadcasts is contrary to the interest of the people of the world; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, recognizing the significant potential for improving communications, enhancing mutual understanding, and aiding the free flow of information among the people of the world—

(1) calls upon the Government of the Soviet Union to cease harmful interference with radio broadcasting and, in particular, with the broadcasts of the Voice of America;

(2) urges the President to enter into discussions with the Soviet Union on the existence of harmful interference with radio broadcasting, with a view to reaching an agreement that will enhance the prospects for a more secure and lasting peace, by emphasizing the goals of improved communication, enhanced mutual understanding, and a freer flow of information among the people of the world; and

(3) calls upon freedom-loving people throughout the world to lend their support and moral authority to this effort.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.●

TRIBUTE TO GENERAL CHAVARRIE

● Mr. STEVENS. Mr. President, I would like to take this opportunity to recognize the contributions of one of the most distinguished Air Force officers that has served this country and

would ask that my fellow Senators join in the tribute to this superb officer.

On September 1, 1986, Lt. Gen. Edgar A. Chavarrie will retire after 43 years of serving his country. With his retirement will come the departure from active duty of our last warrior with World War II experience. His service has included combat missions during World War II as a B-25 bombardier-navigator and during the Korean war as a B-26 navigator.

Throughout his lengthy and distinguished career General Chavarrie has served in high-level positions at Headquarters, U.S. Air Force; Headquarters, U.S. European Command; Supreme Headquarters Allied Powers Europe; and in the Office of the Secretary of Defense.

General Chavarrie assumed his present duties as Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy in September 1983. In this assignment, he has played a major role in the restoration of the military manpower posture that we see today. Of particular note, he has raised military personnel programs to new heights during the period of acute budget austerity for personnel programs that we are presently experiencing. Perhaps his greatest achievement during the last few years resulted from his ability to identify and preserve those aspects of military personnel programs that are crucial to the men and women in uniform. His efforts in this area bolstered the well-being and morale of the military force, thereby increasing the retention of our service members.

In addition to his decorations and awards from other countries, this Nation has awarded General Chavarrie the Defense Distinguished Service Medal with oak-leaf cluster, Distinguished Service Medal, Defense Superior Service Medal with oak-leaf cluster, Legion of Merit, Distinguished Flying Cross, Air Medal with six oak-leaf clusters, Air Force Commendation Medal, Presidential Unit Citation with two oak-leaf clusters, Air Force Outstanding Unit Award Ribbon.

Over the length of his distinguished career, General Chavarrie has compiled a record of accomplishments of which he can be justly proud, and for which this Nation owes its gratitude. It is my pleasure to make this tribute to General Chavarrie for the many contributions he has made to our Nation and the national defense during the past 43 years. He is one of the finest military leaders of our time and my fellow Senators and I ask that you join us in honoring him.

I submit for the RECORD a biography of General Chavarrie.

LIEUTENANT GENERAL EDGAR A. CHAVARRIE

Lieutenant General Edgar A. Chavarrie is deputy assistant secretary of defense for military personnel and force management,

Office of the Secretary of Defense, Washington, D.C.

General Chavarrie was born April 27, 1925, in Douglas, Ariz. He graduated from high school in Los Angeles in 1943 and has a bachelor of arts degree in international relations from the University of Southern California and a master of arts degree in economics from the George Washington University, Washington, D.C. He graduated from the Air Command and Staff College, Maxwell Air Force Base, Ala., in 1961 and the National War College, Fort Lesley J. McNair, Washington, D.C., in 1967.

He entered the Army Air Corps as an aviation cadet in August 1943 and was commissioned a second lieutenant. He flew combat tours of duty as a B-25 bombardier-navigator in the 340th Bombardment Group, 12th Air Force, in the Mediterranean theater. He was released from active duty in 1945.

In 1950, at the outbreak of the Korean War, he was recalled to active duty and flew a combat tour of duty as a B-26 navigator with the 452nd Bombardment Wing in South Korea. Upon his return to the United States, he entered pilot training and was awarded his wings in December 1952. In January 1953 he was assigned with the 314th Troop Carrier Wing at Sewart Air Force Base, Tenn. From October 1956 to September 1960, he was on the staff in the Office of the Assistant Chief of Staff, Intelligence at Headquarters U.S. Air Force, Washington, D.C.

The general entered the Air Command and Staff College in September 1960. Following graduation he served at Headquarters United States Air Forces in Europe, Wiesbaden, Germany, from July 1961 to September 1962, in the Office of the Deputy Chief of Staff, Intelligence.

He returned to Headquarters U.S. Air Force in October 1962 as an operations staff officer in the War Games Division of the Air Battle Analysis Center in the Office of the Deputy Chief of Staff, Plans and Operations. In June 1965 he was reassigned within the deputation as a plans and programs officer in the Force Plans Division, then moved to the Office of the Secretary of Defense for Systems Analysis.

Following graduation from the National War College in July 1967, he was assigned to the Strategic Plans Branch, Plans and Policy Division at Supreme Headquarters Allied Powers Europe, Belgium. His principal duty was as Supreme Allied Commander Europe liaison officer with the Nuclear Planning Group staff at the North Atlantic Treaty Organization headquarters in Brussels, Belgium.

In July 1970 he returned to Air Force headquarters as chief, Europe and North Atlantic Treaty Organization Branch in the Directorate of Plans, Office of the Deputy Chief of Staff, Plans and Operations. He became the assistant deputy director for Joint Chiefs of Staff Matters, in the Directorate of Plans, in October 1970, and in June 1971 was assigned as deputy assistant for National Security Council Matters in the same directorate.

From December 1971 to June 1975, the general was assigned to the Organization of the Joint Chiefs of Staff as the special assistant for joint matters in the Office of the Director, Joint Staff. He then joined the Office of the Assistant Secretary of Defense for Legislative Affairs as a deputy assistant to the secretary.

In August 1978 General Chavarrie was named director of plans and policy at Headquarters United States European Command

in Stuttgart-Vaihingen, Germany. Upon his return to the United States in September 1981, he became the assistant deputy chief of staff for programs and resources at Air Force headquarters. He assumed his present duties in September 1983.

The general is a command pilot and navigator-observer. During his flying career, he has logged more than 4,000 hours as a pilot and navigator-observer in twin-engine and single-engine jet aircraft. His military decorations and awards include the Defense Distinguished Service Medal, Distinguished Service Medal, Defense Superior Service Medal with one oak leaf cluster, Legion of Merit, Distinguished Flying Cross, Air Medal with six oak leaf clusters, Air Force Commendation Medal, Presidential Unit Citation Emblem with two oak leaf clusters, Air Force Outstanding Unit Award Ribbon, Republic of Korea Presidential Unit Citation and Spanish Grand Cross of Aeronautical Merit with distinctive white.

He was promoted to lieutenant general Sept. 1, 1983, with same date of rank.

General Chavarrie is married to the former Jeannette Pappmeier of North Hollywood, Calif. They have two children: Paul and Julie.●

ON CHOCOLATE TARIFFS BETWEEN JAPAN AND THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Resolution, 465, submitted by my distinguished colleague from Kansas which recognizes the vast difference in chocolate tariffs between Japan and the United States. This legislation, which I have cosponsored, is timely as the United States continues its negotiations with the Japanese in an attempt to reduce tariff and nontariff barriers. This is just one of the many actions needed to reduce the unprecedented \$170 billion trade deficit which the United States will face by year's end.

The American confectionery industry is the second largest industrial consumer of refined sugar and a major user of domestically grown peanuts, milk, and milk products. This industry receives no subsidies and is faced with stiff import competition without a buffer of tariffs or quotas. While U.S. manufacturers must pay a 20-percent duty on chocolate and a 35-percent duty on sugar confectionary in Japan, Japanese importers enjoy the low United States duties of 5 and 7 percent respectively.

Although Japan has agreed to open its markets to imported goods, it has refused to reduce the tariff on American chocolate imports. This situation is just one more example of the gross inequities that exist in United States-Japanese trade.

American confectionary manufacturers are feeling the effects of reduced world competitiveness. New York, which is home to many major chocolate manufacturers, is not exempt from the effects of high-tariff barriers. Its agricultural industry is affected as well because the chocolate

companies have reduced their consumption of agricultural products.

I commend the distinguished majority leader for addressing the critical issue of fair and reciprocal trade between the United States and Japan. I thank my Senate colleagues for voting for this resolution, restoring the fair balance of trade to the chocolate and confectionary markets.●

COMMENDATION OF SAN ONOFRE BORDER PATROL AGENTS FOR DRUG INTERDICTION EFFORTS

● Mr. WILSON. Mr. President, the Nation owes a debt of gratitude to the border patrol for its tireless efforts, in situations that are often life and death, to keep the peace and uphold the laws of this land.

Typical of the dedication exhibited by border patrol agents was the recent confiscation by four agents at the San Onofre immigration checkpoint of a record amount of cocaine.

On Thursday, August 7, Agent Kathleen M. Cunningham became suspicious that the passengers of a vehicle were undocumented aliens. Agent Cunningham directed the vehicle to a second check point, at which it was determined that one of the individuals in the vehicle was indeed entering the country illegally.

Agents Candice M. Baldwin, Irvin J. Frankson, and Paul A. Anderson then conducted a routine search, during which they uncovered four suitcases containing cocaine and about two dozen "bricks" of cocaine.

It was later determined that the amount of cocaine seized totalled 477 pounds, with an estimated value of \$58 million. This was the largest cocaine seizure ever in San Diego County, and the largest at the San Onofre checkpoint.

Later that day, agents George Prat and Howard A. Schroeder arrested another individual for possessing and transporting over 600 pounds of marijuana and 22 semiautomatic pistols.

The alertness and thoroughness of these six agents was responsible for keeping a huge amount of cocaine off the streets of California's cities. Every day, border patrol agents risk life and limb in situations such as these.

The courage and commitment displayed by agents Cunningham, Baldwin, Frankson, Anderson, Prat, and Schroeder is standard operating procedure for a group of public servants known for grace under pressure. These six agents, in particular, deserve the commendation of a proud Congress and a grateful people.●

ANGOLA

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two important pieces of legislation that I believe will

help correct our foreign policy toward the nation of Angola. These bills, S. 2049 and Senate Resolution 381, will align our economic policy with our foreign policy.

Senate Resolution 381, offered by my good friend, the distinguished junior Senator from Arizona, requests that the President use his special powers under the International Emergency Economic Powers Act to block United States business transactions and operations in Angola. I was happy to support the recent adoption of this legislation as an amendment to the Export-Import Bank reauthorization.

S. 2049, introduced by the senior distinguished Senator from Wisconsin, amends the Export-Import Bank Act of 1945 to prohibit the Export-Import Bank from guaranteeing, insuring, or extending credit in connection with any export of goods or services to Angola until the President certifies to the Congress that no Cuban military personnel or military personnel from any other country remain in Angola. The House passed similar legislation prohibiting Export-Import Bank loans to Angola earlier this month.

Angola's government, the Marxist Popular Movement for the Liberation of Angola [MPLA], has not held a free and fair election since assuming power in 1975. The U.S. Government officially considers the government in Luanda as illegal. Angola currently has 35,000 Cuban troops and thousands of Cuban, Soviet, and East German advisers. In 1985, Congress repealed the Clark amendment, which prohibited assistance to any nation or group for military operations in Angola.

It is outrageous that, while we support the efforts of UNITA and Jonas Savimbi, U.S. oil companies provide the Marxist government with a high percentage of its foreign exchange. One United States oil company alone accounted for \$600 million in hard foreign currency for Angola last year. What does this foreign exchange buy for the Luanda government? It buys an estimated \$2 billion worth of military equipment and 35,000 Cuban soldiers.

It is important for the United States to challenge the expansion of Soviet and Cuban influence in this country which is clearly an enemy of the United States and its interests. One only has to look at its U.N. voting record to realize that Angola holds one of the lowest percentages of voting agreement with the United States.

In addition to these pieces of legislation, I also sponsored an amendment with the distinguished junior Senator from Florida to the debt ceiling extension bill which eliminates foreign tax credits for United States companies operating in Angola. It is my hope that all three of these legislative ini-

tiatives eventually will be passed by Congress this year.

Each Chamber of Congress has expressed its will regarding the issue of United States economic activity in Angola. We can no longer indirectly support Cuban troops and Soviet advisers with U.S. business interests. Constructive engagement is not only unworkable in South Africa, it is unworkable in Angola as well. As the United States pushes for negotiations, the Soviets, through the Cubans, seek total victory. Economic sanctions, similar to those being considered against South Africa, will encourage the illegal Government of Angola to promote a fair political solution and a peaceful settlement.

I urge my colleagues to join with me as cosponsors of Senate Resolution 381 and S. 2049 to help send a clear signal to democratic forces resisting the illegal Luanda government that we support them, and to send a signal to the Soviet Union that we plan to oppose their policy of expansionism in Africa. ●

DAYS OF PEACE AND FRIENDSHIP

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of this resolution designating July 2 and 3, 1987, as "United States-Canada Days of Peace and Friendship." I commend the distinguished senior Senator from Indiana, the chairman of the Foreign Relations Committee, for his leadership in this matter. It is timely and appropriate that all Americans make July 2 and 3, 1987, special days to recognize the great blessings of peace and friendship which characterize our relations with our closest neighbor, Canada.

It was not always that way. While it is difficult for us to imagine today, our ancestors did not live in peace with Canada. When Canada was New France and New York was one of the 13 colonies, the Mohawk Valley, Fort Niagara, Crown Point, and Fort Ticonderoga were the sites of fierce and bloody conflict. From 1689 until 1763, the French and their Algonquin allies struggled with the British, New York colonists, and their Iroquois allies for control of the frontier and northern New York.

Then, after France ceded Canada to Britain at the end of the French and Indian War, Canada became a base for British power during the Revolution and the War of 1812. During the Revolution, two of the major battles of the war were fought in New York, involving forces based in Canada. The battles of Oriskany and Saratoga, both fought in 1777, were vital, respectively, in securing the frontier from raids by British forces and their Indian allies, and in tipping the diplomatic balance

in favor of decisive French aid to the Colonies.

During the War of 1812, the United States attempted to invade and capture Canada. Two separate invasions were defeated by British and Canadian troops. In 1812, two invasion forces departed from New York for Canada. One captured Queenstown Heights on the Niagara River, but was subsequently defeated. Another force advanced from Plattsburg up Lake Champlain, but never entered Canada.

In 1813, a United States force captured Toronto, which was then called York, and was the capital of upper Canada. The force subsequently retreated. Oliver Hazard Perry defeated a British fleet on Lake Erie on September 13, 1813, compelling the British to retreat from Detroit, which they had captured in 1812. U.S. forces made an attempt to take Montreal in the fall, but failed and retreated into northern New York. British forces crossed the Niagara River in December of that year, taking Fort Niagara and burning Buffalo and surrounding villages.

In 1814, the United States lost hope of taking Canada, as the British reinforced Canada with 18,000 veteran troops made available by the defeat of Napoleon in Europe. The United States, however, had greatly improved the quality of its Army, proving it by defeating some of these veteran British forces at the Battle of Chippewa, as United States forces recaptured Fort Niagara and moved for the last time into Canadian territory as a hostile force. United States forces under the command of Thomas MacDonough also defeated British naval forces on Lake Champlain on September 11, 1814, ending the last Canadian threat to New York.

Despite tensions between the United States and Canada over border issues in the west and during the Civil War, no shots have been fired in anger between United States and Canadian forces since the War of 1812. Since then, relations between our two peoples, and, after Canada's independence, our two nations, have grown uncommonly close. New York has a special relationship with our Canadian friends, sharing as we do a long and peaceful border crossed now by trade and tourism instead of troops.

Canada became a self-governing dominion of the British Empire on July 1, 1867, and declared itself independent in 1926. Its independence was ratified by the British Parliament in 1931 with the adoption of the Statute of Westminster. Despite occasional outbreaks of fear that the United States has designs on Canada, we have the world's longest unfortified international border.

One of the few arms control agreements affecting relations between nations over a long period of time re-

mains in existence between the United States and Canada. This treaty, the Rush-Bagot Agreement, signed in Washington, DC, in 1817, prevented the militarization of the Great Lakes. Later disputes over border issues were resolved amicably through the Webster-Ashburton Treaty of 1842 and the Oregon Treaty of 1846. These major agreements set the tone of positive relations between our two nations which continues to the present time.

Canadian and United States forces have fought as allies from the trenches of the western front in World War I to the beaches of Normandy in World War II and to the barren hills of Korea during the United Nations police action. Our forces stand together today in defense of freedom under the North Atlantic Treaty. They also serve together in the North American Air Defense Command, NORAD, created as a combined military command to defend the North American Continent and our two nations from hostile attack.

Let me recognize the bravery and steadfastness of our Canadian friends in the less certain struggles we face on the battlefields of international terrorism and diplomacy. I want to remind all of my colleagues here in the Senate and all Americans of the role the Canadians played while our diplomats were held hostage in Teheran. Canadian diplomats risked their lives to aid our people in an extreme situation. We recognized and honored that contribution at the time, but I wonder how many of us have since forgotten those heroic actions by our Canadian friends.

As chairman of the Helsinki Commission, I want to take special note of our Canadian friends' support for human rights. Their strong and energetic support for our shared values—respect for human dignity, basic human rights, and fundamental freedoms—is indispensable in the Helsinki process. Most recently, at the Bern human contacts experts' meeting, the forceful position taken by the representative of Canada set a powerful example for our allies and pointed out clearly the severe shortcomings in Warsaw Pact compliance with their human rights obligations.

I look forward to continuing cooperation with our Canadian friends as we seek full and faithful implementation of all of the provisions of the Helsinki final act by all signatory states, including the Soviet Union. I know the Canadian Government will be sending its representatives to the forthcoming Vienna review meeting with clear instructions meeting their usual high standards. Working together with our other NATO allies and our friends among the neutral and nonaligned states, we can make a difference in the

struggle for human rights and for a stable, peaceful world.

Finally, I call upon my colleagues to join with me in support of this resolution. It should be adopted without hesitation by this body. Moreover, all Americans should heed its call "to observe such days with appropriate ceremonies and activities." These ceremonies and activities will be, in fact, celebrations of generations of peace and friendship between the United States and Canada and recognition of the promise our special relationship holds for the future.●

LYLES STATION CENTENNIAL

● Mr. LUGAR. Mr. President, today, I want to take a moment to honor the centennial of Lyles Station (Gibson County), IN, on August 30, and two of its native sons, Alonzo Fields and Carl C. Lyles.

Even since slavery became an issue in the United States, there have been recurring suggestions that the "Negro problem" could be solved by isolating Negroes. The subsequent widespread efforts to isolate Negroes in the United States seem to have taken two aspects. On the one hand, abolitionists and benevolent partisans interested in the Negro took steps to give him a "start by establishing communities outside of the South where fugitive slaves and free Negroes might find sanctuary."

Other attempts to establish Negro communities apparently resulted from the initiative of the Negroes. This was true with the settlement of Lyles Station. It was founded by free Negroes sometime before the Civil War.

The first settler at what is now known as Lyles Station was Joshua Lyles. This town was named in his honor in 1886. Joshua Lyles and his brothers came from Virginia—where they had attained their freedom—through Tennessee, across the Ohio River, and into Indiana in the 1840's.

As time passed, other settlers came to Lyles Station and its suburbs to live and contribute to the welfare and the advancement of the community. Lyles Station became an important part of the Underground Railroad, assisting many slaves going north by hiding them during the day, so that by night they could journey farther north, some to Canada.

The children of these early pioneer families married and reared large families, and thus the population grew. From 1890 to 1914, the community reached its zenith. Then Lyles Station went the way of other towns in rural America.

One of the town's descendants is Alonzo Fields, 86 years of age, who left Indiana to attend the New England Conservatory of Music in the 1920's. In his lifetime, he was an accomplished musician; chief butler and

maitre d'hotel for Presidents Herbert Hoover, Franklin Delano Roosevelt, Harry Truman, and Dwight D. Eisenhower, and authored his autobiography, "My Twenty-One Years in the White House." The book was on the best seller's list in 1961; another, Carl C. Lyles, A.B., Indiana University, M.A. Indiana State University, was awarded honorary doctor of laws, Indiana State University. He is an author, and was assistant principal at Central High School, and an adjunct assistant professor of history, Indiana State University.

These are only two of Lyles Station's native sons who have achieved a place in the history of Indiana.●

S. 2727, THE DRUG ABUSE EDUCATION AND PREVENTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of S. 2727, the Drug Abuse Education and Prevention Act. As did S. 1583, legislation I have previously introduced, this bill extends the life of the Justice and Customs assets forfeiture funds and seeks to use the funds we obtain from drug forfeitures to fight a real war on drugs.

Rather than turn forfeited assets over to the general Treasury, Senator KERRY and I propose making use of these funds to assist our hard-pressed and underfunded drug prevention and rehabilitation programs. This approach was recommended last year by the American Bar Association.

Each year, \$300 to \$400 million in drug money and property is seized by Federal drug law enforcement agencies. As we make full use of our drug forfeiture laws, there is no reason why, in the next few years, we cannot seize \$1 billion or more per year of the \$100 billion a year narcotics industry's illegal income.

In 1984, in the Comprehensive Crime Control Act, we established a Department of Justice forfeiture fund and the Customs forfeiture fund. These funds consist of the proceeds of the sale of property forfeited under the laws enforced by the Department of Justice and the customs laws. These were important, but limited, steps forward. The uses of the funds are strictly limited.

Drug education and treatment are not even mentioned as possible purposes for these new funds. They should be. We must reduce the demand for drugs as well as the supply, and to do this we must have adequately funded drug prevention programs nationwide.

When our forfeiture efforts attain their full potential, the provisions of this bill would enable us to mount a truly effective education and prevention program to reach millions of schoolchildren to teach them to say "no" to drugs in the earliest grades

when they are still reachable, and to counter the peer pressure they face to use drugs with the examples of positive role models.

Mr. President, we need a massive commitment of people and resources to win war on drugs. S. 2727 can help provide this reinforcement. I encourage my colleagues to join me in co-sponsoring this legislation and to give to their full support.●

A NATIONAL CIVIL RIGHTS DAY

● Mr. D'AMATO. Mr. President, as we move in this country to take a strong stand against the inhuman policy and shame of apartheid in South Africa, we would do well to reflect on the status of the civil rights movement in our own country. Recently, Senator LUGAR introduced legislation to focus our attention on this matter of central importance. Senate Joint Resolution 391, a joint resolution designating August 12 as "National Civil Rights Day," is an important legislative statement. I am pleased to be a cosponsor of this legislation.

Although there was not time to so designate August 12 this year, the idea of a National Civil Rights Day is an excellent one, and I am confident we will pass similar legislation next year. I also would suggest that the sponsors of this bill and its companion in the House, House Joint Resolution 686, may want to consider designating another day so that we might still have a National Civil Rights Day this year.

While there is a long way to go before we have full civil rights for everyone in this country, there has been undeniable progress. Most recently, we have extended the Voting Rights Act, and have made Martin Luther King, Jr.'s, birthday a national holiday.

Through Supreme Court decisions and the initiative of the Congress and certain members of the administration, we have demonstrated how affirmative action without quotas is an appropriate response to past discrimination. I am proud to have supported each of these efforts.

Mr. President, we must do more to educate people about the history of civil rights in this country, and the people who have worked to make that history and who have struggled on behalf of civil rights. We need to do more to focus attention, both on the progress we have made and on the goals to which we must rededicate ourselves.

A National Civil Rights Day would encourage us to do more in each of these areas, and, for that reason, is itself a goal to which we should all dedicate ourselves.●

THE NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

● Mr. D'AMATO. Mr. President, I am proud to join my good friend and colleague, Senator DeCONCINI, in introducing the National Drug Interdiction Improvement Act of 1986. This comprehensive legislation authorizes a national mobilization to interdict drugs effectively.

This bill follows up on the unanimous action by the Senate last Thursday and Friday on S. 2683, the Defense reauthorization bill, authorizing more than one-half billion dollars' worth of military resources for drug interdiction.

Title I of this bill consists of a thorough statement of congressional findings regarding the need for a comprehensive drug interdiction strategy that involves the military as an active partner, the various elements of such a strategy, and the problems we have encountered to date in waging a real war on drugs.

Title II is entitled, "Department of Defense Narcotics Enforcement Assistance." It authorizes the most extensive level of Defense Department drug enforcement assistance ever proposed in the Senate. Under this title, new resources will be provided from funds authorized for the Department of Defense, as follows:

Army: Procurement of Blackhawk helicopters: \$40 million.

Navy: \$83 million for modification of 4 P-3 radar planes by the addition of APS-138 radar, \$138 million for the addition of 4 E2C Hawkeye surveillance aircraft (including spare parts), and the upgrading and modification of 4 more.

Air Force: \$75 million for 6 aerostat radar systems, \$60 million for 3 C-130 radar planes with APG-63 radar, and \$12.615 million for operation and maintenance of 6 helicopters.

National Guard: \$61.4 million for the drug interdiction program of the National Guard.

Office of the Secretary of Defense: \$12 million for enhanced intelligence collection activities relating to the illegal importation of drugs from South America.

Under Section 201(b) of this bill, the Secretary of Defense shall make available to the Customs Service on a loan basis (under 10 U.S.C. Chapter 18) the Blackhawks, P-3's, and E2C's thus procured and modified. The Customs Service shall be responsible for the operation and maintenance costs of this aircraft, and of the aerostat radar systems. This responsibility shall begin as soon as the aircraft are accepted by the Customs Service, and as soon as the aerostats are installed.

This bill repeatedly emphasizes the need of a better coordination among drug law enforcement agencies with respect to the most productive possible use of drug interdiction assets. For example, under section 201(d)(2), the Commissioner of Customs shall consult with the Commandant of the Coast Guard in order to obtain the best possible use of the new aircraft

and aerostats obtained from the Department of Defense.

Section 202 of this bill provides for Defense Department assistance in the funding of Coast Guard drug interdiction activities. It authorizes \$290 million for the Coast Guard for the acquisition and maintenance of drug interdiction equipment as a matter of national defense, including \$90 million for 4 radar systems on 4 C-130 aircraft. An additional \$100 million is provided for operational costs.

Fifteen million dollars per year is permanently authorized to place at least 500 Coast Guard personnel on Naval vessels for drug interdiction and other law enforcement activities.

In title III the Coast Guard's special drug interdiction needs are addressed. Included is \$50 million for secure radio equipment and \$40 million to increase Coast Guard personnel levels by 1,500.

Other initiatives contained in this bill are: a Coast Guard-Bahamas drug interdiction task force; 969 additional Customs Service personnel; interceptor boats; an expanded Customs air wing (including new tracker and interceptor aircraft, and command, control, communications, and intelligence centers); a new Customs air support branch in New York; additional U.S. attorneys, and 600 DEA agents (one-half for overseas intelligence assignments).

This bill concludes with a call for the reorganization of the executive branch of the Government to end the turf wars and interagency competition that prevent a truly effective war on drugs. This bill, instead, calls for coherent planning and cooperation against drug trafficking. No later than 6 months after this bill becomes law, the President shall submit to the Congress recommendations for legislation to reorganize the executive branch to improve our efforts against international drug trafficking and domestic drug abuse.

Mr. President, if we are to have a real war on drugs, we must have a full national mobilization. This bill seeks to bring about that mobilization. I urge my colleagues to join the bipartisan group of Senators introducing this bill today by adding their names as cosponsors and by working for passage of this historic initiative this year.●

ORDERS FOR FRIDAY, AUGUST 15, 1986

RECESS UNTIL 9:30 A.M.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that once the Senate completes its business tonight, it stands in recess until the hour of 9:30 a.m., August 15, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, following the recognition of the two

leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 2701

Mrs. KASSEBAUM. Mr. President, at 10 a.m. the Senate will resume consideration of S. 2701, the South Africa bill, under the unanimous-consent agreement. Votes can be expected throughout the day on Friday.

I inquire of the acting minority leader if he has any further business.

Mr. PELL. Mr. President, I have no further business.

RECESS UNTIL 9:30 A.M.

Mrs. KASSEBAUM. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess.

The motion was agreed to; and the Senate, at 12:28 a.m., recessed until 9:30 a.m., Friday, August 15, 1986.

NOMINATIONS

Executive nominations received by the Senate August 14, 1986:

DEPARTMENT OF STATE

L. Paul Bremer III, of Connecticut, a career member of the Senior Foreign Service, class of career minister, to be Ambassador at Large for Counter-Terrorism.

Sam H. Zakhem, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

David C. Fields, of California, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Alexander Fletcher Watson, of Maryland, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

DEPARTMENT OF JUSTICE

George L. McBane, of North Carolina, to be U.S. Marshal for the middle district of North Carolina for the term of 4 years, reappointment.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under title 10, United States Code, section 5912:

Agro, Robert J., xxx-...
Arendt, Peter E., xxx-...
Arndt, Thomas G., xxx-...
Baker, Christopher L., xxx-...
Bandy, Larry E., xxx-...
Batterton, Donald L., xxx-...
Baumgartner, Cary, xxx-...
Beach, Douglas R., xxx-...
Bearden, James D., xxx-...
Bennett, Coleman L., xxx-...

Bittner, Frank J., III, xxx...
 Blue, William T., xxx...
 Bowman, Steven K., xxx...
 Bragg, James C., xxx...
 Brooks, Arthur E., xxx...
 Brown, Ronald J., xxx...
 Bruey, Donald F., xxx...
 Bull, Thomas W., II, xxx...
 Burzinski, Walter, xxx...
 Bushey, Keith D., xxx...
 Campbell, Matthew R., xxx...
 Campbell, Thomas H., xxx...
 Campbell, William A., Jr., xxx...
 Cantrell, Donald V., xxx...
 Carson, Scott C., xxx...
 Cebula, Lusty L., xxx...
 Cherry, Stephen F., xxx...
 Cleek, William D., xxx...
 Conley, Stephen E., xxx...
 Conway, Thomas J., xxx...
 Cooney, Kathryn P., xxx...
 Cosgrove, Daniel P., xxx...
 Crouch, Douglas C., xxx...
 Cummins, Robert C., xxx...
 Daniel, William R., xxx...
 Daniels, Thomas W., xxx...
 Danin, Mark L., xxx...
 Dartt, James W., xxx...
 Davis, Alan H., xxx...
 Day, Peter R., xxx...
 Delmott, Dennis E., xxx...
 Dennis, Daryl E., xxx...
 Derry, Bruce E., xxx...
 Dewitt, Albert M., xxx...
 Dubia, Christian F., Jr., xxx...
 Dunn, James M., xxx...
 Ellis, Robert B., Jr., xxx...
 Enders, George W., xxx...
 Erickson, Steven C., xxx...
 Fallon, Geoffrey D., xxx...
 Farmer, David M., xxx...
 Felix, Paul M., xxx...
 Ferguson, David L., xxx...
 Foster, Percy E., Jr., xxx...
 Funk, Roland V., xxx...
 Garrison, Royce C., xxx...
 Gilbreath, Ronnie R., xxx...
 Gilman, Michael T., xxx...
 Glassmire, Charles F., xxx...
 Gleason, James F., xxx...
 Glover, Richard A., xxx...
 Goodwin, Herbert T., Jr., xxx...
 Graves, Reynolds C., xxx...
 Grier, William D., II, xxx...
 Grober, Robert C., xxx...
 Groseclos, Jerry M., xxx...
 Grundmann, Paul A., xxx...
 Haag, David M., xxx...
 Hager, Charles T., xxx...
 Harcourt, Robert M., Jr., xxx...
 Harman, David R., xxx...
 Henig, Michael W., xxx...
 Higgins, Michael K., xxx...
 Hinshelwood, Ian B., xxx...
 Hodgdon, Gregg A., xxx...
 Hostutler, Charles R., xxx...
 Hundley, Danny R., xxx...
 Hyatt, William R., III, xxx...

Jandora, John W., xxx...
 Jarrette, David F., xxx...
 Jendresak, Stanley A., Jr., xxx...
 Jenkins, Bentley P., xxx...
 Joyce, Richard A., xxx...
 Kelly, James V., xxx...
 Kromm, Michael, xxx...
 Kudwa, Robert P., xxx...
 Lange, Robert B., xxx...
 Lees, Robert B., xxx...
 Lehman, Donald D., xxx...
 Leitch, Larry L., xxx...
 Linder, Stephen T., xxx...
 Marsh, Wayne P., xxx...
 Martin, John R., xxx...
 Matranga, Dominick, xxx...
 Maydak, Mark G., xxx...
 McDougall, William A., xxx...
 McGirr, Richard J., xxx...
 Michaud, John R., xxx...
 Mills, John V., xxx...
 Miner, Broge A., xxx...
 Minihan, Stephen P., xxx...
 Moore, Burns K., xxx...
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 Moran, Frederick W., xxx...
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 Morey, William M., xxx...
 Morrow, Spencer M., xxx...
 Motta, Dennis R., xxx...
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 Muschel, Ronald H., xxx...
 Myhra, Arnold E., xxx...
 Neithammer, Lynda J., xxx...
 Nerbun, William J., xxx...
 Newbold Kathleen E., xxx...
 Nicholson, Thomas J., xxx...
 Nievaard, Robert H., xxx...
 O'Dell, Michael B., xxx...
 Paradis, Emile E., xxx...
 Parent, Kenneth W., xxx...
 Perkins, William E., III, xxx...
 Pickert, Perry L., xxx...
 Pierce, John R., xxx...
 Quinlan, Francis E., xxx...
 Raines, Robert D., xxx...
 Rears, Christopher L., Jr., xxx...
 Reece, Disney H., xxx...
 Reilly, Thomas L., xxx...
 Richards, David G., xxx...
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 Roberts, Dale J., xxx...
 Roe, John R., xxx...
 Romah, Nicholas H., Jr., xxx...
 Rudden, Gerard H., xxx...
 Ryan, Thomas P., xxx...
 Sager, Roger A., xxx...
 Salomon, Charles L., xxx...
 Sanasack, David W., xxx...
 Sander, Richard M., xxx...
 Sandrick, Edward J., xxx...
 Schaefer, Kendall S., xxx...
 Schimmel, Robert W., xxx...
 Schlegel, Robert C., xxx...
 Schuler, Richard A., xxx...
 Sebastian, Walter J., Jr., xxx...
 Shaidnagle, William E., xxx...

Shi, James S., xxx...
 Shields, John E., xxx...
 Shimonis, Peter J., Jr., xxx...
 Shouse, John G., xxx...
 Shreeve, Thomas W., xxx...
 Siepert, Michael A., xxx...
 Smith, Kim E., xxx...
 Smith, William C., xxx...
 Speacht, Donald R., Jr., xxx...
 Stafford, Thomas J., III, xxx...
 Standifer, Paul W., xxx...
 StClair, Robert B., xxx...
 Stephens, Michael A., xxx...
 Sullivan, Kevin P., xxx...
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 Sutherland, William F., xxx...
 Taylor, Sears R., II, xxx...
 Tierney, Mark F., xxx...
 Ulrich, George H., xxx...
 Urban, Rodell L., xxx...
 Valenzuela, John M., xxx...
 Valera, Thomas H., xxx...
 Vankuiken, Thomas R., xxx...
 Vanciver, Leroy D., xxx...
 Voisin, Glynn F., xxx...
 Vossekuil, Craig S., xxx...
 Walters, Larry D., xxx...
 Warner, Milo J., xxx...
 Warren, Ronald, xxx...
 Washburn, John F., xxx...
 Wcislo, Andrew J., xxx...
 Weiland, Henry J., xxx...
 Wein, Louis P., xxx...
 Weiss, Michael J., xxx...
 Whitlow, Raymond R., xxx...
 Wicks, Bryon D., xxx...
 Willett, Bryce O., xxx...
 Williams, Leo V., III, xxx...
 Williams, Steven J., xxx...
 Woodroof, George P., xxx...
 Wort, Jonathan P., xxx...
 Wozniak, Ronald S., xxx...
 Wray, Robert P., xxx...
 Wrynn, Margaret M., xxx...
 Yoshioka, Benjamin K., xxx...
 Young, Alden P., xxx...
 Zinger, Charles E., xxx...
 Zumwalt, James G., II, xxx...

DEPARTMENT OF STATE

Charles J. Pilliod, Jr., of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the representative and alternate representatives of the United States of America to the Special Session and the 13th session of the General Conference of the International Atomic Energy Agency:

Representative:

John S. Herrington, of California.

Alternate representatives:

Richard T. Kennedy, of the District of Columbia.

Bruce Chapman, of Washington.

Lee M. Thomas, of South Carolina.

Lando, W. Zech, Jr., of Virginia.