

promote the transition to nonracial democracy in South Africa.

Any determination under subparagraph (C) should be based on consultations with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and consultations with the appropriate congressional committees.

“(c) INELIGIBLE ORGANIZATIONS.—

“(1) ACTS OF VIOLENCE.—An organization that has engaged in armed struggle or other acts of violence shall not be eligible for assistance provided in accordance with this section unless that organization is committed to a suspension of violence in the context of progress toward nonracial democracy.

“(2) VIEWS INCONSISTENT WITH DEMOCRACY AND FREE ENTERPRISE.—Assistance provided in accordance with this section may not be made available to any organization that has espoused views inconsistent with democracy and free enterprise unless such organization is engaged actively and positively in the process of transition to a nonracial democracy and such assistance would advance the United States objective of promoting democracy and free enterprise in South Africa.

“SEC. 6. UNITED STATES INVESTMENT AND TRADE.

“(a) TAX TREATY.—The President should begin immediately to negotiate a tax treaty with South Africa to facilitate United States investment in that country.

“(b) OPIC.—The President should immediately initiate negotiations with the Government of South Africa for an agreement authorizing the Overseas Private Investment Corporation to carry out programs with respect to South Africa in order to expand United States investment in that country.

“(c) TRADE AND DEVELOPMENT AGENCY.—In carrying out section 661 of the Foreign Assistance Act of 1961 [22 U.S.C. 2421], the Director of the Trade and Development Agency should provide additional funds for activities related to projects in South Africa.

“(d) EXPORT-IMPORT BANK.—The Export-Import Bank of the United States should expand its activities in connection with exports to South Africa.

“(e) PROMOTING DISADVANTAGED ENTERPRISES.—

“(1) INVESTMENT AND TRADE PROGRAMS.—Each of the agencies referred to in subsections (b) through (d) should take active steps to encourage the use of its programs to promote business enterprises in South Africa that are majority-owned by South Africans disadvantaged by apartheid.

“(2) UNITED STATES GOVERNMENT PROCUREMENT.—To the extent not inconsistent with the obligations of the United States under any international agreement, the Secretary of State and the head of any other department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans, notwithstanding any law relating to the making or performance of, or the expenditure of funds for, United States Government contracts.

“SEC. 7. INFORMATION AND EDUCATIONAL EXCHANGE PROGRAMS.

“The Director of the United States Information Agency should use the authorities of the United States Information and Educational Exchange Act of 1948 [22 U.S.C. 1431 et seq.] to promote the development of a nonracial democracy in South Africa.

“SEC. 8. OTHER COOPERATIVE AGREEMENTS.

“In addition to the actions specified in the preceding sections of this Act, the President should seek to conclude cooperative agreements with South Africa on a range of issues, including cultural and scientific issues.

“SEC. 9. INTERNATIONAL FINANCIAL INSTITUTIONS AND OTHER DONORS.

“(a) IN GENERAL.—The President should encourage other donors, particularly Japan and the European Community countries, to expand their activities in support of the transition to nonracial democracy in South Africa.

“(b) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution, including the International Bank for Reconstruction and Development and the International Development Association, to urge that institution to initiate or expand its lending and other financial assistance activities to South Africa in order to support the transition to nonracial democracy in South Africa.

“(c) TECHNICAL ASSISTANCE.—The Secretary of the Treasury should instruct the United States Executive Director of each relevant international financial institution to urge that institution to fund programs to initiate or expand technical assistance to South Africa for the purpose of training the people of South Africa in government management techniques.

“SEC. 10. CONSULTATION WITH SOUTH AFRICANS.

“In carrying out this Act, the President should consult closely with South African individuals and organizations representative of the majority population in South Africa (particularly consultations through the Transitional Executive Council) and others committed to abolishing the remnants of apartheid.”

[For abolition of United States Information Agency (other than Broadcasting Board of Governors and International Broadcasting Bureau), transfer of functions, and treatment of references thereto, see sections 6531, 6532, and 6551 of this title.]

NON-FEDERAL RESTRICTIONS AND REGULATIONS

House Resolution 549, Ninety-ninth Congress, Sept. 12, 1986, provided: “That in passing the bill, H.R. 4868, as amended by the Senate [enacted into law as Pub. L. 99-440], it is not the intent of the House of Representatives that the bill limit, preempt, or affect, in any fashion, the authority of any State or local government or the District of Columbia or of any Commonwealth, territory, or possession of the United States or political subdivision thereof to restrict or otherwise regulate any financial or commercial activity respecting South Africa.”

§ 5002. Repealed. Pub. L. 103-149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section, Pub. L. 99-440, § 4, Oct. 2, 1986, 100 Stat. 1089, related to purpose of this chapter.

SUBCHAPTER I—POLICY OF UNITED STATES WITH RESPECT TO ENDING APARTHEID

§§ 5011 to 5020. Repealed. Pub. L. 103-149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section 5011, Pub. L. 99-440, title I, § 101, Oct. 2, 1986, 100 Stat. 1089, stated United States policy toward Government of South Africa.

Section 5012, Pub. L. 99-440, title I, § 102, Oct. 2, 1986, 100 Stat. 1090; Pub. L. 99-631, § 1(a)(3), Nov. 7, 1986, 100 Stat. 3515, stated United States policy toward African National Congress, Pan African Congress, and their affiliates.

Section 5013, Pub. L. 99-440, title I, § 103, Oct. 2, 1986, 100 Stat. 1090; Pub. L. 99-631, § 1(a)(4), Nov. 7, 1986, 100 Stat. 3515, stated United States policy toward victims of apartheid.

Section 5014, Pub. L. 99-440, title I, § 104, Oct. 2, 1986, 100 Stat. 1091; Pub. L. 99-631, § 1(a)(5), Nov. 7, 1986, 100 Stat. 3515, stated United States policy toward other countries in Southern Africa.