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RECOGNITION OF ST. MARY'S COLLEGE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1987

Mr. DYSON. Mr. Speaker, I rise today in recognition of St. Mary's College, located in my home county of St. Mary's, MD, which was recently recognized in U.S. News & World Report as the sixth best Eastern liberal-arts college in the United States.

This ranking was based on a questionnaire sent by U.S. News & World Report to the presidents of 1,329 colleges and universities, requesting them to choose the best and most innovative institutions of higher learning in the Nation.

I would like to take this opportunity to commend President Ted Lewis and his faculty for doing an outstanding job of educating the students who attend St. Mary's College.

In a time of rising tuition costs and reductions in financial aid, it is nice to know that there are still institutions of higher learning, such as St. Mary's, which provide a quality education at an affordable cost.

Not only does a student entering St. Mary's receive an education from a faculty which contains the highest percentage of Fulbright fellowship winners in the United States, but also small class size and accessibility to the faculty. This makes St. Mary's a bargain for both students and parents alike.

I believe that St. Mary's College will serve as a model to other schools throughout the country, that bigger does not mean better and that high tuition does not guarantee a good education.

Let me once again extend my congratulations to President Lewis, the faculty and the students of St. Mary's College for being ranked as one of the best colleges in the Nation.

H.R. 1580

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 17, 1987

Mr. DELLUMS. Mr. Speaker, in response to numerous requests, I insert the text of H.R. 1580, an act to end apartheid in South Africa.

H.R. 1580

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. PROHIBITION ON INVESTMENTS IN SOUTH AFRICA.

A United States person may not, directly or through a foreign affiliate of that United States person, make or hold an investment in South Africa.

SEC. 2. PROHIBITION ON IMPORTS AND EXPORTS FROM SOUTH AFRICA.

(a) IMPORTS.—Notwithstanding any other provision of law, no article which is the growth, produce, or manufacture of South Africa may be imported into the United States, except for any strategic mineral with respect to which the President certifies to the Congress that the quantities of such mineral which are essential for military uses exceed reasonably secure domestic supplies and that substitutes for such mineral are not available.

(b) EXPORTS.—

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(g) of the Export Administration Act of 1979.

SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals.

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

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

SEC. 4. PROHIBITION ON IMPORTATION OF KRUGGERANDS.

No person may import into the United States any South African kruggerand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

SEC. 5. GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS.

No United States depository institution may accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

SEC. 6. PROHIBITION ON UNITED STATES MILITARY OR INTELLIGENCE COOPERATION WITH GOVERNMENT OF SOUTH AFRICA.

(a) MILITARY COOPERATION.—No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the Government of South Africa.

(b) INTELLIGENCE COOPERATION.—No agency or entity of the United States involved in intelligence activities may engage in any form of cooperation, direct or indirect, with the Government of South Africa.

SEC. 7. LIMITATION ON IMPORTS FROM OTHER COUNTRIES.

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

SEC. 8. ENFORCEMENT; PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and

orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses, and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) if other than an individual, be fined not more than \$500,000; and

(2) if an individual, be fined not more than \$250,000, or imprisoned not more than 5 years, or both.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willfully carried out such act or practice,

shall, upon conviction, be fined not more than \$250,000, or imprisoned not more than 5 years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft used in connection with a violation of section 3 or any regulation, license, or order issued to carry out that section shall be subject to seizure by and forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

SEC. 9. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 10. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES PERSON.—The term "United States person" means—

(A) any United States resident or national; and

(B) any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States, of the District of Columbia, or of

any commonwealth, territory, or possession of the United States.

(3) **INVESTMENT IN SOUTH AFRICA.**—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to the Government of South Africa or to a business enterprise located in South Africa or owned or controlled by South African nationals, including—

(i) a loan or other extension of credit made to the Government of South Africa or to such a business enterprise, or security given for the debts of the Government of South Africa or such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by the Government of South Africa or such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or  
(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

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

(A) the Republic of South Africa;  
(B) Namibia and any other territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(5) **BUSINESS ENTERPRISE.**—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa.

(6) **BRANCH.**—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(7) **FOREIGN AFFILIATE.**—A "foreign affiliate" of a United States person is a business enterprise located in a foreign country, including a branch, which is controlled by that United States person.

(8) **SOUTH AFRICAN NATIONAL.**—The term "South African national" means—

(A) a citizen of South Africa; and  
(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(9) **CONTROL BY SOUTH AFRICAN NATIONALS.**—For purposes of paragraphs (3) and (7), a business enterprise shall be presumed to be controlled by a United States person or by South African nationals (as the case may be) if—

(A) the United States person or South African nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) the United States person or South African nationals beneficially own or control (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or large percentage;

(C) the business enterprise is operated by the United States person or South African nationals pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person or a South African national;

(E) the United States person or South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) the United States person or South African nationals have the authority to appoint the chief operating officer of the business enterprise.

#### SEC. 11. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation, license, or order issued to carry out this Act.

#### SEC. 12. REPEAL OF COMPREHENSIVE ANTI-APARTHEID ACT OF 1986.

(a) **REPEAL OF ACT.**—The Comprehensive Anti-Apartheid Act of 1986 (Public Law 99-440), and all regulations, licenses, and orders issued to carry out that Act, are hereby repealed.

(b) **REPEAL OF AMENDMENTS MADE BY THAT ACT.**—

(1) Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(A) by striking out "(1)" after "(b)"; and  
(B) by striking out paragraph (2).

(2) Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended—

(A) in section 116—  
(i) in subsection (e)(2)(A) by striking out "1984," and inserting in lieu thereof "1984 and";

(ii) in subsection (e)(2)(A) by striking out ", and \$1,500,000 for fiscal year 1986 and for each fiscal year thereafter"; and  
(iii) by striking out subsection (f); and  
(B) by striking out section 117.

(3) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by striking out section 535.

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

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

(B) by striking out subparagraph (b).

(c) **TRANSITION PROVISION.**—The repeal contained in subsection (a) shall not affect any proceeding to impose a penalty under section 603 of the Comprehensive Anti-Apartheid Act of 1986 for violations of that Act (or any regulation, license or order issued to carry out that Act) occurring before the date on which this Act takes effect.

#### SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect 180 days after the date of the enactment of this Act.

### GAO REPORT SHOWS ADMINISTRATION'S MISPLACED PRIORITIES IN EDUCATION R&D

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 18, 1987

Mr. OWENS of New York. Mr. Speaker, in 1987 1 million young people will leave the Nation's public schools without graduating. The annual cost of this astronomical dropout rate is \$240 billion in lost earnings and foregone taxes. These are some of the alarming statistics listed in "Children in Need," the latest report of the Committee for Economic Development, a national consortium of over 200 businessmen and educators. The threat to our national security posed by this crisis was emphasized in a 1983 report, "Nation at Risk,"

issued by former Education Secretary Terrel Bell: "If an unfriendly foreign power had attempted to impose on America the mediocre educational performance that exists today, we might well have viewed it as an act of war . . . . We have, in effect, been committing an act of unthinking, unilateral educational disarmament."

Unfortunately the Reagan administration has not heeded this warning. A newly released GAO report: Education Information: Changes in Funds and Priorities Have affected Production and Quality, indicates that the Federal Government's role in sponsoring educational research and development and monitoring academic achievement was seriously neglected between 1980 and 1985, and that leadership in this critical aspect of education was entirely lacking.

During that period awards and contracts for the three primary aspects of education R&D—research, statistics and program evaluation—were dramatically reduced as reflected in the principal findings of the GAO report:

Funds for the National Institute of Education [NIE] were cut by half between 1980 and 1984, while overall funding for education R&D declined more than 60 percent since the mid-seventies;

New data collection on women and minorities and issues of concern to the education reform movement was virtually nil;

The number of research grants awarded by the NIE decreased 65 percent between 1980 and 1985;

The number of evaluation contracts awarded by the Office of Planning, Budget, and Evaluation [OPBE] declined by 79 percent—a decline which reflected in part the substitution of block grants for categorical grants;

Statistical surveys on education declined by 31 percent between 1980 and 1983.

While education R&D suffered dramatic cutbacks in the eighties, the military R&D budget mushroomed. In 1980, for example, 50 percent of Federal R&D expenditures went to defense, while 50 percent went to all other budget functions. By 1986 it was estimated that 72 percent of Federal R&D expenditures went to defense, while 28 percent went to all other functions. In 1960 alone the Defense Department spent 45 percent of the Federal R&D budget, while the Department of Education spent only 0.4 percent.

The quality of education R&D has suffered also. GAO found that the Common Core of Data [CCD], an information reporting system maintained by NCES, deteriorated markedly. For example, the Digest of Education Statistics published by NCES and based upon data from the CCD, is out-of-date and inaccurate. Within CCD external reviewers found: estimates of dropout rates that differed by 50 percent; estimates of school discipline problems that differed by a factor of 10 depending on the source; vocational education enrollments in some States that exceeded their entire high school populations; and estimates of the size of the population of students with limited proficiency in English that differed by as much as 200 percent. In 1986 there was a 13-month lag between preparation and publication of the Digest, as compared to only a 3-month lag in 1964.

It is evident from the GAO report that much of what was funded was already mandated by legislation, while studies that were not speci-