FUNDING

Section 804(b) of Pub. L. 102–511 provided that: ''In addition to the funds made available pursuant to section 1005(c) of that Act [22 U.S.C. 4904(c)], funds authorized to be appropriated by chapter 11 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2295 et seq.] may be used in carrying out the amendment made by subsection (a) [amending this section] with respect to missions in the independent states of the former Soviet Union.''

§ 4904. Secretary of State

(a) Determinations

The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission abroad and the position in which each will serve.

(b) Authorities

Fellows may be employed—

(1) under a temporary appointment in the civil service;

(2) under a limited appointment in the Foreign Service; or

(3) by contract under the provisions of section 2669(c) of this title.

(c) Funding

Funds appropriated to the Department of State for ''Salaries and Expenses'' shall be used for the expenses incurred in carrying out this chapter.

(Pub. L. 99–399, title X, § 1005, Aug. 27, 1986, 100 Stat. 894; Pub. L. 100–204, title I, § 187, Dec. 22, 1987, 101 Stat. 1368; Pub. L. 101–454, § 9(d), Oct. 24, 1990, 104 Stat. 1066.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–454 substituted ''abroad'' for ''in the Soviet Union or Eastern Europe''.

1987—Subsec. (b). Pub. L. 100–204 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5.''

CHAPTER 60—ANTI-APARTHEID PROGRAM

§ 5001. Repealed. Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 99–440, § 3, Oct. 2, 1986, 100 Stat. 1087; Pub. L. 99–631, § 1(a)(2), Nov. 7, 1986, 100 Stat. 3515; Pub. L. 103–149, § 4(a)(3)(A), Nov. 23, 1993, 107 Stat. 1505, defined terms for purposes of this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub. L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note below.

SHORT TITLE

Section 1 of Pub. L. 99–440 provided that Pub. L. 99–440, which enacted this chapter and sections 2151*o* and 2346d of this title, amended sections 2151c and 2151n of this title and section 635 of Title 12, Banks and Banking, and enacted provisions set out as a note under section 2346d of this title, could be cited as the ''Comprehensive Anti-Apartheid Act of 1986'', prior to repeal by Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505.

REPEAL OF CHAPTER; SOUTH AFRICAN DEMOCRATIC TRANSITION SUPPORT

Pub. L. 103–149, Nov. 23, 1993, 107 Stat. 1503, provided that:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'South African Democratic Transition Support Act of 1993'.

''SEC. 2. FINDINGS.

''The Congress makes the following findings:

''(1) After decades of apartheid, South Africa has entered a new era which presents a historic opportunity for a transition to a peaceful, stable, and democratic future.

''(2) The United States policy of economic sanctions toward the apartheid government of South Africa, as expressed in the Comprehensive Anti-Apartheid Act of 1986 [22 U.S.C. 5001 et seq.], helped bring about reforms in that system of government and has facilitated the establishment of a nonracial government.

''(3) Through broad and open negotiations, the parties in South Africa have reached a landmark agreement on the future of their country. This agreement includes the establishment of a Transitional Executive Council and the setting of a date for nonracial elections.

''(4) The international community has a vital interest in supporting the transition from apartheid toward nonracial democracy.

''(5) The success of the transition in South Africa is crucial to the stability and economic development of the southern African region.

''(6) Nelson Mandela of the African National Congress and other representative leaders in South Africa have declared that the time has come when the international community should lift all economic sanctions against South Africa.

''(7) In light of recent developments, the continuation of these economic sanctions is detrimental to persons disadvantaged by apartheid.

''(8) Those calling for the lifting of economic sanctions against South Africa have made clear that they do not seek the immediate termination of the United Nations-sponsored special sanctions relating to arms transfers, nuclear cooperation, and exports of oil. The Ad Hoc Committee on Southern Africa of the Organization of African Unity, for example, has urged that the oil embargo established pursuant to a 1986 General Assembly resolution be lifted after the establishment and commencement of the work of the Transitional Executive Council.

''SEC. 3. UNITED STATES POLICY.

''It is the sense of the Congress that—

''(1) the United States should—

''(A) strongly support the Transitional Executive Council in South Africa,

''(B) encourage rapid progress toward the establishment of a nonracial democratic government in South Africa, and

''(C) support a consolidation of democracy in South Africa through democratic elections for an interim government and a new nonracial constitution;

''(2) the United States should continue to provide assistance to support the transition to a nonracial democracy in South Africa, and should urge international financial institutions and other donors to also provide such assistance;

''(3) to the maximum extent practicable, the United States should consult closely with international financial institutions, other donors, and South African entities on a coordinated strategy to support the transition to a nonracial democracy in South Africa;

''(4) in order to provide ownership and managerial opportunities, professional advancement, training, and employment for disadvantaged South Africans and to respond to the historical inequities created under apartheid, the United States should—

''(A) promote the expansion of private enterprise and free markets in South Africa,

''(B) encourage the South African private sector to take a special responsibility and interest in providing such opportunities, advancement, training, and employment for disadvantaged South Africans,

''(C) encourage United States private sector investment in and trade with South Africa,

''(D) urge United States investors to develop a working partnership with representative organs of South African civil society, particularly churches and trade unions, in promoting responsible codes of corporate conduct and other measures to address the historical inequities created under apartheid;

''(5) the United States should urge the Government of South Africa to liberalize its trade and investment policies to facilitate the expansion of the economy, and to shift resources to meet the needs of disadvantaged South Africans;

''(6) the United States should promote cooperation between South Africa and other countries in the region to foster regional stability and economic growth; and

''(7) the United States should demonstrate its support for an expedited transition to, and should adopt a long term policy beneficial to the establishment and perpetuation of, a nonracial democracy in South Africa.

''SEC. 4. REPEAL OF APARTHEID SANCTIONS LAWS AND OTHER MEASURES DIRECTED AT SOUTH AFRICA.

''(a) COMPREHENSIVE ANTI-APARTHEID ACT.—

''(1) IN GENERAL.—All provisions of the Comprehensive Anti-Apartheid Act of 1986 (22 U.S.C. 5001 and following) are repealed as of the date of enactment of this Act [Nov. 23, 1993], except for the sections specified in paragraph (2).

''(2) EFFECTIVE DATE OF REPEAL OF CODE OF CONDUCT REQUIREMENTS.—Sections 1, 3, 203(a), 203(b), 205, 207, 208, 601, 603, and 604 of the Comprehensive Anti-Apartheid Act of 1986 [22 U.S.C. 5001 note, 5001, 5031(a), (b), 5032, 5034, 5035, 5111, 5113, 5114] are repealed as of the date on which the President certifies to the Congress that an interim government, elected on a nonracial basis through free and fair elections, has taken office in South Africa. [A Presidential message to Congress dated June 8, 1994, set out in 30 Weekly Compilation of Presidential Documents 1258, June 13, 1994, certified that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa.]

''(3) CONFORMING AMENDMENTS.—(A) Section 3 of the Comprehensive Anti-Apartheid Act of 1986 [22 U.S.C. 5001] is amended by striking paragraphs (2) through (4) and paragraphs (7) through (9), by inserting 'and' at the end of paragraph (5), and by striking '; and' at the end of paragraph (6) and inserting a period.

''(B) The following provisions of the Foreign Assistance Act of 1961 that were enacted by the Comprehensive Anti-Apartheid Act of 1986 are repealed: subsections (e)(2), (f), and (g) of section 116 (22 U.S.C. 2151n); section 117 (22 U.S.C. 2151*o*), relating to assistance for disadvantaged South Africans; and section 535 (22 U.S.C. 2346d). Section 116(e)(1) of the Foreign Assistance Act of 1961 is amended by striking '(1)'.

''(b) OTHER PROVISIONS.—The following provisions are repealed or amended as follows:

''(1) Subsections (c) and (d) of section 802 of the International Security and Development Cooperation Act of 1985 (99 Stat. 261) is repealed.

''(2) Section 211 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (99 Stat. 432) is repealed, and section 1(b) of that Act is amended by striking the item in the table of contents relating to section 211.

''(3) Sections 1223 and 1224 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (101 Stat. 1415) is repealed, and section 1(b) of that Act is amended by striking the items in the table of contents relating to sections 1223 and 1224.

''(4) Section 362 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (105 Stat. 716) is repealed, and section 2 of that Act is amended by striking the item in the table of contents relating to section 362.

''(5) Section 2(b)(9) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)) is repealed.

''(6) Section 43 of the Bretton Woods Agreements Act (22 U.S.C. 286aa) is amended by repealing subsection (b) and by striking '(a)'.

''(7) Section 330 of H.R. 5205 of the 99th Congress (Department of Transportation and Related Agencies Appropriations Act, 1987) (22 U.S.C. 5056a) as incorporated by reference in section 101(*l*) of Public Law 99–500 and Public Law 99–591, and made effective as if enacted into law by section 106 of Public Law 100–202, is repealed.

''(8)(A) Section 901(j)(2)(C) of the Internal Revenue Code of 1986 (26 U.S.C. 901(j)(2)(C)) is repealed.

''(B) Subparagraph (A) shall not be construed as affecting any of the transitional rules contained in Revenue Ruling 92–62 which apply by reason of the termination of the period for which section 901(j) of the Internal Revenue Code of 1986 was applicable to South Africa.

''(9) The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking 'Republic of South Africa'.

''(c) SANCTIONS MEASURES ADOPTED BY STATE OR LOCAL GOVERNMENTS OR PRIVATE ENTITIES.—

''(1) POLICY REGARDING RESCISSION.—The Congress urges all State or local governments and all private entities in the United States that have adopted any restriction on economic interactions with South Africa, or any policy discouraging such interaction, to rescind such restriction or policy.

''(2) REPEAL OF PROVISIONS RELATING TO WITHHOLDING FEDERAL FUNDS.—Effective October 1, 1995, the following provisions are repealed:

''(A) The undesignated paragraph entitled 'STATE AND LOCAL ANTI-APARTHEID POLICIES' in chapter IX of the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (22 U.S.C. 5117).

''(B) Section 210 of the Urgent Supplemental Appropriations Act, 1986 (100 Stat. 749).

''(d) CONTINUATION OF UN SPECIAL SANCTIONS.—It is the sense of the Congress that the United States should continue to respect United Nations Security Council resolutions on South Africa, including the resolution providing for a mandatory embargo on arms sales to South Africa and the resolutions relating to the import of arms, restricting exports to the South African military and police, and urging states to refrain from nuclear cooperation that would contribute to the manufacture and development by South Africa of nuclear weapons or nuclear devices.

''SEC. 5. UNITED STATES ASSISTANCE FOR THE TRANSITION TO A NONRACIAL DEMOCRACY.

''(a) IN GENERAL.—The President is authorized and encouraged to provide assistance under chapter 10 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2293 et seq.] (relating to the Development Fund for Africa) or chapter 4 of part II of that Act [22 U.S.C. 2346 et seq.] (relating to the Economic Support Fund) to support the transition to nonracial democracy in South Africa. Such assistance shall—

''(1) focus on building the capacity of disadvantaged South Africans to take their rightful place in the political, social, and economic systems of their country;

''(2) give priority to working with and through South African nongovernmental organizations whose leadership and staff represent the majority population and which have the support of the disadvantaged communities being served by such organizations;

''(3) in the case of education programs—

''(A) be used to increase the capacity of South African institutions to better serve the needs of individuals disadvantaged by apartheid;

''(B) emphasize education within South Africa to the extent that assistance takes the form of scholarships for disadvantaged South African students; and

''(C) fund nontraditional training activities;

''(4) support activities to prepare South Africa for elections, including voter and civic education programs, political party building, and technical electoral assistance;

''(5) support activities and entities, such as the Peace Accord structures, which are working to end the violence in South Africa; and

''(6) support activities to promote human rights, democratization, and a civil society.

''(b) GOVERNMENT OF SOUTH AFRICA.—

''(1) LIMITATION ON ASSISTANCE.—Except as provided in paragraph (2), assistance provided in accordance with this section may not be made available to the Government of South Africa, or organizations financed and substantially controlled by that government, unless the President certifies to the Congress that an interim government that was elected on a nonracial basis through free and fair elections has taken office in South Africa.

''(2) EXCEPTIONS.—Notwithstanding paragraph (1), assistance may be provided for—

''(A) the Transitional Executive Council;

''(B) South African higher education institutions, particularly those traditionally disadvantaged by apartheid policies; and

''(C) any other organization, entity, or activity if the President determines that the assistance would 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.''

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.

Section 5015, Pub. L. 99–440, title I, § 105, Oct. 2, 1986, 100 Stat. 1091; Pub. L. 99–631, § 1(a)(6), Nov. 7, 1986, 100 Stat. 3516, stated sense of Congress as to Presidential discussions with ''frontline'' African states.

Section 5016, Pub. L. 99–440, title I, § 106, Oct. 2, 1986, 100 Stat. 1092; Pub. L. 99–631, § 1(a)(7), Nov. 7, 1986, 100 Stat. 3516, stated United States policy toward negotiated settlement.

Section 5017, Pub. L. 99–440, title I, § 107, Oct. 2, 1986, 100 Stat. 1093, stated congressional findings and policy toward international cooperation on measures to end apartheid.

Section 5018, Pub. L. 99–440, title I, § 108, Oct. 2, 1986, 100 Stat. 1093, stated sense of Congress relating to ''necklacing''.

Section 5019, Pub. L. 99–440, title I, § 109, Oct. 2, 1986, 100 Stat. 1093; Pub. L. 99–631, § 1(a)(8), Nov. 7, 1986, 100 Stat. 3516, stated sense of Congress that United States Ambassador should meet with Nelson Mandela.

Section 5020, Pub. L. 99–440, title I, § 110, Oct. 2, 1986, 100 Stat. 1093, stated congressional findings and sense of Congress relating to recruitment and training of black South Africans by United States employers.

SUBCHAPTER II—MEASURES TO ASSIST VICTIMS OF APARTHEID

§§ 5031, 5032. Repealed. Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section 5031, Pub. L. 99–440, title II, § 203, Oct. 2, 1986, 100 Stat. 1095; Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504, related to expansion of participation of black and other nonwhite South Africans in economy of South Africa.

Section 5032, Pub. L. 99–440, title II, § 205, Oct. 2, 1986, 100 Stat. 1096, related to labor practices of United States Government in South Africa.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub. L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note under section 5001 of this title.

§ 5033. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section, Pub. L. 99–440, title II, § 206, Oct. 2, 1986, 100 Stat. 1097, directed Secretary of State to provide housing assistance to employees of the United States who are victims of apartheid.

§§ 5034, 5035. Repealed. Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section 5034, Pub. L. 99–440, title II, § 207, Oct. 2, 1986, 100 Stat. 1097; Pub. L. 99–631, § 1(a)(9), Nov. 7, 1986, 100 Stat. 3516, related to employment practices of United States nationals in South Africa.

Section 5035, Pub. L. 99–440, title II, § 208, Oct. 2, 1986, 100 Stat. 1097; Pub. L. 99–631, § 1(a)(10), Nov. 7, 1986, 100 Stat. 3516, related to Code of Conduct for Americans in South Africa.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub. L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note under section 5001 of this title.

§§ 5036 to 5039. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section 5036, Pub. L. 99–440, title II, § 209, Oct. 2, 1986, 100 Stat. 1098, prohibited assistance under this chapter to certain groups.

Section 5037, Pub. L. 99–440, title II, § 210, Oct. 2, 1986, 100 Stat. 1098, authorized President to use Emergency Reserve for African Famine Relief to meet food shortages in southern Africa.

Section 5038, Pub. L. 99–440, title II, § 211, Oct. 2, 1986, 100 Stat. 1098, prohibited assistance under this chapter, chapter 32 of this title, or any other law to any person or group engaging in ''necklacing''.

Section 5039, Pub. L. 99–440, title II, § 212, Oct. 2, 1986, 100 Stat. 1098; Pub. L. 99–631, § 1(a)(11), Nov. 7, 1986, 100 Stat. 3516, related to participation of South Africa in agricultural export credit and promotion programs conducted by Secretary of Agriculture.

SUBCHAPTER III—MEASURES BY UNITED STATES TO UNDERMINE APARTHEID

§§ 5051 to 5072. Repealed. Pub. L. 103–149, § 4(a)(1), (b)(7), Nov. 23, 1993, 107 Stat. 1504, 1505

Section 5051, Pub. L. 99–440, title III, § 301, Oct. 2, 1986, 100 Stat. 1099, prohibited importation of krugerrands.

Section 5052, Pub. L. 99–440, title III, § 302, Oct. 2, 1986, 100 Stat. 1099, prohibited importation of military articles.

Section 5053, Pub. L. 99–440, title III, § 303, Oct. 2, 1986, 100 Stat. 1099; Pub. L. 99–631, § 1(a)(12), Nov. 7, 1986, 100 Stat. 3516, prohibited importation of products from parastatal organizations.

Section 5054, Pub. L. 99–440, title III, § 304, Oct. 2, 1986, 100 Stat. 1099, prohibited computer exports to South Africa.

Section 5055, Pub. L. 99–440, title III, § 305, Oct. 2, 1986, 100 Stat. 1100, prohibited loans to Government of South Africa.

Section 5056, Pub. L. 99–440, title III, § 306, Oct. 2, 1986, 100 Stat. 1100; Pub. L. 99–631, § 1(a)(13), Nov. 7, 1986, 100 Stat. 3516, prohibited air transportation with South Africa.

Section 5056a, Pub. L. 99–500, § 101(*l*), Oct. 18, 1986, 100 Stat. 1783–308, and Pub. L. 99–591, § 101(*l*), Oct. 30, 1986, 100 Stat. 3341–308; Pub. L. 100–202, § 106, Dec. 22, 1987, 101 Stat. 1329–433, related to prohibition on landing rights of South African aircraft.

Section 5057, Pub. L. 99–440, title III, § 307, Oct. 2, 1986, 100 Stat. 1101, prohibited nuclear trade with South Africa.

Section 5058, Pub. L. 99–440, title III, § 308, Oct. 2, 1986, 100 Stat. 1102, related to bank accounts of Government of South Africa.

Section 5059, Pub. L. 99–440, title III, § 309, Oct. 2, 1986, 100 Stat. 1102; Pub. L. 99–631, § 1(a)(14), Nov. 7, 1986, 100 Stat. 3516; Pub. L. 100–418, title I, § 1214(n), Aug. 23, 1988, 102 Stat. 1158, prohibited importation of uranium, coal, and textiles from South Africa.

Section 5060, Pub. L. 99–440, title III, § 310, Oct. 2, 1986, 100 Stat. 1102, prohibited new investment in South Africa.

Section 5061, Pub. L. 99–440, title III, § 311, Oct. 2, 1986, 100 Stat. 1103, provided for termination of this subchapter and sections 5091(c) and 5094(b) of this title, if the Government of South Africa met five specific conditions. See Ex. Ord. No. 12769, July 10, 1991, 56 F.R. 31855, formerly set out below.

Section 5062, Pub. L. 99–440, title III, § 312, Oct. 2, 1986, 100 Stat. 1103; Pub. L. 99–631, § 1(a)(15), Nov. 7, 1986, 100 Stat. 3517, stated United States policy toward violence and terrorism in South Africa.

Section 5063, Pub. L. 99–440, title III, § 313, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99–631, § 1(a)(16), Nov. 7, 1986, 100 Stat. 3517, provided for termination of tax treaty and protocol.

Section 5064, Pub. L. 99–440, title III, § 314, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99–631, § 1(a)(17), Nov. 7, 1986, 100 Stat. 3517, prohibited procurement by United States Government from South Africa.

Section 5065, Pub. L. 99–440, title III, § 315, Oct. 2, 1986, 100 Stat. 1104, prohibited promotion of United States tourism in South Africa.

Section 5066, Pub. L. 99–440, title III, § 316, Oct. 2, 1986, 100 Stat. 1104, prohibited United States Government assistance to, investment in, or subsidy for trade with, South Africa.

Section 5067, Pub. L. 99–440, title III, § 317, Oct. 2, 1986, 100 Stat. 1104; Pub. L. 99–631, § 1(a)(18), Nov. 7, 1986, 100 Stat. 3517, prohibited exportation of items on United States Munitions List to South Africa.

Section 5068, Pub. L. 99–440, title III, § 318, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99–631, § 1(a)(19), Nov. 7, 1986, 100 Stat. 3517, provided notification procedures for proposed export of items on United States Munitions List.

Section 5069, Pub. L. 99–440, title III, § 319, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99–631, § 1(a)(20), Nov. 7, 1986, 100 Stat. 3517, prohibited importation of South African agricultural products and food.

Section 5070, Pub. L. 99–440, title III, § 320, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99–631, § 1(a)(21), Nov. 7, 1986, 100 Stat. 3517, prohibited importation of iron and steel from South Africa.

Section 5071, Pub. L. 99–440, title III, § 321, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99–631, § 1(a)(22), Nov. 7, 1986, 100 Stat. 3518, prohibited exportation of crude oil and petroleum products to South Africa.

Section 5072, Pub. L. 99–440, title III, § 322, Oct. 2, 1986, 100 Stat. 1105; Pub. L. 99–631, § 1(a)(23), Nov. 7, 1986, 100 Stat. 3518, prohibited cooperation with armed forces of South Africa.

§ 5072a. Repealed. Pub. L. 103–359, title III, § 304, Oct. 14, 1994, 108 Stat. 3426

Section, Pub. L. 99–569, title I, § 107, Oct. 27, 1986, 100 Stat. 3191, restricted intelligence agencies from cooperating with Government of South Africa.

§ 5073. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section, Pub. L. 99–440, title III, § 323(a), Oct. 2, 1986, 100 Stat. 1105, prohibited importation of South African sugar products.

SUBCHAPTER IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

§§ 5081 to 5083. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section 5081, Pub. L. 99–440, title IV, § 401, Oct. 2, 1986, 100 Stat. 1106; Pub. L. 99–631, § 1(a)(24), Nov. 7, 1986, 100 Stat. 3518, related to negotiating authority of President to reach agreements on multilateral measures to undermine apartheid.

Section 5082, Pub. L. 99–440, title IV, § 402, Oct. 2, 1986, 100 Stat. 1107; Pub. L. 99–631, § 1(a)(25), Nov. 7, 1986, 100 Stat. 3518, authorized President to limit imports from foreign countries benefitting from sanctions or prohibitions imposed under this chapter.

Section 5083, Pub. L. 99–440, title IV, § 403, Oct. 2, 1986, 100 Stat. 1107, related to private right of action.

SUBCHAPTER V—FUTURE POLICY TOWARD SOUTH AFRICA

§§ 5091 to 5099. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section 5091, Pub. L. 99–440, title V, § 501, Oct. 2, 1986, 100 Stat. 1108; Pub. L. 99–631, § 1(a)(26), Nov. 7, 1986, 100 Stat. 3518, related to imposition of additional measures against Government of South Africa.

Section 5092, Pub. L. 99–440, title V, § 502, Oct. 2, 1986, 100 Stat. 1109; Pub. L. 99–631, § 1(a)(27), Nov. 7, 1986, 100 Stat. 3518, related to lifting of prohibitions contained in this chapter.

Section 5093, Pub. L. 99–440, title V, § 503, Oct. 2, 1986, 100 Stat. 1109, related to study of health conditions in ''homelands'' areas of South Africa.

Section 5094, Pub. L. 99–440, title V, § 504, Oct. 2, 1986, 100 Stat. 1109, related to report on imports of strategic and critical materials from South Africa.

Section 5095, Pub. L. 99–440, title V, § 505, Oct. 2, 1986, 100 Stat. 1109; Pub. L. 99–631, § 1(a)(28), Nov. 7, 1986, 100 Stat. 3518, related to study and report on economy of southern Africa.

Section 5096, Pub. L. 99–440, title V, § 506, Oct. 2, 1986, 100 Stat. 1110, related to report on relations between other industrialized democracies and South Africa.

Section 5097, Pub. L. 99–440, title V, § 507, Oct. 2, 1986, 100 Stat. 1110, related to study and report on deposit accounts of South African nationals in United States banks.

Section 5098, Pub. L. 99–440, title V, § 508, Oct. 2, 1986, 100 Stat. 1110, related to study and report on violation of international embargo on sale and export of military articles to South Africa.

Section 5099, Pub. L. 99–440, title V, § 509, Oct. 2, 1986, 100 Stat. 1111, related to report on Communist activities in South Africa.

§ 5100. Repealed. Pub. L. 102–182, § 4, Dec. 4, 1991, 105 Stat. 1234

Section, Pub. L. 99–440, title V, § 510, Oct. 2, 1986, 100 Stat. 1111; Pub. L. 99–631, § 1(a)(29), Nov. 7, 1986, 100 Stat. 3518, prohibited importation of Soviet gold coins.

§ 5101. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section, Pub. L. 99–440, title V, § 512, Oct. 2, 1986, 100 Stat. 1112; Pub. L. 99–631, § 1(a)(30), Nov. 7, 1986, 100 Stat. 3519, related to report on African National Congress.

SUBCHAPTER VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

§ 5111. Repealed. Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section, Pub. L. 99–440, title VI, § 601, Oct. 2, 1986, 100 Stat. 1112, authorized President to issue rules, regulations, licenses, and orders as necessary to carry out this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub.

L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note under section 5001 of this title.

§ 5112. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section, Pub. L. 99–440, title VI, § 602, Oct. 2, 1986, 100 Stat. 1112; Pub. L. 99–631, § 1(a)(31), Nov. 7, 1986, 100 Stat. 3519, related to congressional priority procedures for consideration of certain joint resolutions under this chapter.

§§ 5113, 5114. Repealed. Pub. L. 103–149, § 4(a)(2), Nov. 23, 1993, 107 Stat. 1505

Section 5113, Pub. L. 99–440, title VI, § 603, Oct. 2, 1986, 100 Stat. 1114, related to enforcement of this chapter and penalties for noncompliance.

Section 5114, Pub. L. 99–440, title VI, § 604, Oct. 2, 1986, 100 Stat. 1115, provided that this chapter applied to persons undertaking transactions or activities with intent to evade this chapter.

EFFECTIVE DATE OF REPEAL

Repeal effective June 8, 1994, date on which President certified to Congress that interim government, elected on nonracial basis through free and fair elections, had taken office in South Africa, see section 4(a)(2) of Pub. L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note under section 5001 of this title.

§§ 5115, 5116. Repealed. Pub. L. 103–149, § 4(a)(1), Nov. 23, 1993, 107 Stat. 1504

Section 5115, Pub. L. 99–440, title VI, § 605, Oct. 2, 1986, 100 Stat. 1115, related to construction of this chapter.

Section 5116, Pub. L. 99–440, title VI, § 606, Oct. 2, 1986, 100 Stat. 1115, related to penalties for application of State and local anti-apartheid laws to certain State and local government contracts.

§ 5117. Repealed. Pub. L. 103–149, § 4(c)(2)(A), Nov. 23, 1993, 107 Stat. 1506

Section, Pub. L. 101–45, title I, June 30, 1989, 103 Stat. 110, related to State and local anti-apartheid policies.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1995, see section § 4(c)(2)(A) of Pub. L. 103–149, set out in a Repeal of Chapter; South African Democratic Transition Support note under section 5001 of this title.

CHAPTER 61—ANTI-TERRORISM—PLO

Sec.
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§ 5201. Findings; determinations

(a) Findings

The Congress finds that—

(1) Middle East terrorism accounted for 60 percent of total international terrorism in 1985;

(2) the Palestine Liberation Organization (hereafter in this chapter referred to as the ''PLO'') was directly responsible for the murder of an American citizen on the Achille Lauro cruise liner in 1985, and a member of the PLO's Executive Committee is under indictment in the United States for the murder of that American citizen;

(3) the head of the PLO has been implicated in the murder of a United States Ambassador overseas;

(4) the PLO and its constituent groups have taken credit for, and been implicated in, the murders of dozens of American citizens abroad;

(5) the PLO covenant specifically states that ''armed struggle is the only way to liberate Palestine, thus it is an overall strategy, not merely a tactical phase'';

(6) the PLO rededicated itself to the ''continuing struggle in all its armed forms'' at the Palestine National Council meeting in April 1987; and

(7) the Attorney General has stated that ''various elements of the Palestine Liberation Organization and its allies and affiliates are in the thick of international terror''.

(b) Determinations

Therefore, the Congress determines that the PLO and its affiliates are a terrorist organization and a threat to the interests of the United States, its allies, and to international law and should not benefit from operating in the United States.

(Pub. L. 100–204, title X, § 1002, Dec. 22, 1987, 101 Stat. 1406.)

EFFECTIVE DATE AND TERMINATION

Section 1005 of title X of Pub. L. 100–204 provided that:

''(a) EFFECTIVE DATE.—Provisions of this title [enacting this chapter] shall take effect 90 days after the date of enactment of this Act [Dec. 22, 1987].

''(b) TERMINATION.—The provisions of this title shall cease to have effect if the President certifies in writing to the President pro tempore of the Senate and the Speaker of the House that the Palestine Liberation Organization, its agents, or constituent groups thereof no longer practice or support terrorist actions anywhere in the world.''

SHORT TITLE

Section 1001 of title X of Pub. L. 100–204 provided that: ''This title [enacting this chapter] may be cited as the 'Anti-Terrorism Act of 1987'.''

§ 5202. Prohibitions regarding PLO

It shall be unlawful, if the purpose be to further the interests of the Palestine Liberation Organization or any of its constituent groups, any successor to any of those, or any agents thereof, on or after the effective date of this chapter—

(1) to receive anything of value except informational material from the PLO or any of its constituent groups, any successor thereto, or any agents thereof;

(2) to expend funds from the PLO or any of its constituent groups, any successor thereto, or any agents thereof; or

(3) notwithstanding any provision of law to the contrary, to establish or maintain an office, headquarters, premises, or other facilities or establishments within the jurisdiction of the United States at the behest or direction of, or with funds provided by the Palestine Liberation Organization or any of its constituent