



U.S. Department
of Transportation

**Federal Highway
Administration**

Memorandum

Washington, D.C. 20590

Subject: Anti-Apartheid Provision

Date SEP 27 1989

From: Chief, Construction and Maintenance Division
Office of Highway Operations

Reply to
Attn. of HHO-32

To: Regional Federal Highway Administrators
Federal Lands Highway Program Administrator

The purpose of this memorandum is to bring to your attention and provide guidance relative to an anti-apartheid provision contained in the Dire Emergency Supplemental Appropriations and Transfers, Urgent Supplementals, and Correcting Enrollment Errors Act of 1989 (Pub. L. No. 101-45), dated June 30, 1989.

The provision, found in Chapter IX of Title I of the Act, reads as follows:

State and Local Anti-Apartheid Policies

Notwithstanding any other provision of this or any other law, none of the funds provided by this or any previous or subsequent Act to the Department of Transportation shall be withheld from State or local grantees for any reason related to the adoption by any such grantee of a policy prohibiting the procurement of products manufactured or fabricated in the Republic of South Africa.

This provision, until revised or repealed, permits State and local governments to adopt, if they choose, a policy which excludes products manufactured or fabricated in the Republic of South Africa from use or inclusion on Federal-aid highway projects.

The provision, however, does not authorize State or local governments to enact anti-apartheid policies which discriminate against contractors on Federal-aid projects because of their relationships (either directly or indirectly) with the Republic of South Africa. The FHWA's position on this issue was previously addressed in the memorandum of November 15, 1985, (copy attached) from the Director, Office of Highway Operations. This position has been supported by the Department of Transportation and the Department of Justice and is consistent with the Comprehensive Anti-Apartheid Act of 1986 (Pub. L. No. 99-440).

Original Signed By
William A. Weseman

William A. Weseman

Attachment

HHO-32

Chron. File

HHO-30

Reader File

HHO-1

Reader File

7431

Official File

cc:

HHO-32 DISK FILE: A-APPRRA.M99

N.L. Graf

FEDERAL HIGHWAY ADMINISTRATION

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