

118TH CONGRESS
2D SESSION

H. R. 7256

To require a full review of the bilateral relationship between the United States and South Africa.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2024

Mr. JAMES (for himself and Mr. MOSKOWITZ) introduced the following bill;
which was referred to the Committee on Foreign Affairs

A BILL

To require a full review of the bilateral relationship between
the United States and South Africa.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “U.S.-South Africa Bi-
5 lateral Relations Review Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The actions of the African National Con-
9 gress (“ANC”), which since 1994 has held a gov-
10 erning majority and controlled South Africa’s execu-

1 tive branch, are inconsistent with its publicly stated
2 policy of nonalignment in international affairs.

3 (2) In contrast to its stated stance of nonalign-
4 ment, the South African Government has a history
5 of siding with malign actors, including Hamas, a
6 U.S. designated Foreign Terrorist Organization and
7 a proxy of the Iranian regime, and continues to pur-
8 sue closer ties with the People’s Republic of China
9 (“PRC”) and the Russian Federation.

10 (3) The South African Government’s support of
11 Hamas dates back to 1994, when the ANC first
12 came into power, taking a hardline stance of consist-
13 ently accusing Israel of practicing apartheid.

14 (4) Following Hamas’ unprovoked and unprece-
15 dented horrendous attack on Israel on October 7,
16 2023, where Hamas terrorists killed and kidnapped
17 hundreds of Israelis, members of the South African
18 Government and leaders of the ANC have delivered
19 a variety of antisemitic and anti-Israel-related state-
20 ments and actions, including—

21 (A) on October 7, 2023, South Africa’s
22 Foreign Ministry released a statement express-
23 ing concern of “escalating violence”, urging
24 Israel’s restraint in response, and implicitly
25 blaming Israel for provoking the attack through

1 “continued illegal occupation of Palestine land,
2 continued settlement expansion, desecration of
3 the Al Aqsa Mosque and Christian holy sites,
4 and ongoing oppression of the Palestinian peo-
5 ple”;

6 (B) on October 8, 2023, the ANC’s na-
7 tional spokesperson, Mahlengi Bhengu-Motsiri,
8 said of the devastating Hamas attack, “the de-
9 cision by Palestinians to respond to the bru-
10 tality of the settler Israeli apartheid regime is
11 unsurprising”;

12 (C) on October 14, 2023, President Cyril
13 Ramaphosa of South Africa, accused Israel of
14 “genocide” in statements during a pro-Pales-
15 tinian rally;

16 (D) on October 17, 2023, South African
17 Foreign Minister Naledi Pandor accepted a call
18 with Hamas Leader Ismail Haniyeh;

19 (E) on October 22, 2023, South African
20 Foreign Minister Naledi Pandor visited Tehran
21 and met with President Raisi of the Islamic Re-
22 public of Iran, which is actively funding Hamas;

23 (F) on November 7, 2023, in a parliamen-
24 tary address Foreign Minister Pandor called for
25 the International Criminal Court to charge

1 Israeli Prime Minister Benjamin Netanyahu
2 with war crimes;

3 (G) on November 17, 2023, South Africa,
4 along with 4 other countries, submitted a joint
5 request to the International Criminal Court for
6 an investigation into war crimes being com-
7 mitted in the Palestinian territories; and

8 (H) on December 29, 2023, South Africa
9 filed a politically motivated suit in the Inter-
10 national Court of Justice wrongfully accusing
11 Israel of committing genocide.

12 (5) The South African Government has pursued
13 increasingly close relations with the Russian Federa-
14 tion, which has been accused of perpetrating war
15 crimes in Ukraine and indiscriminately undermines
16 human rights. South Africa’s robust relationship
17 with Russia spans the military and political space,
18 including—

19 (A) allowing a United States-sanctioned
20 Russian cargo ship, the Lady R, to dock and
21 transfer arms at a South African naval base in
22 December 2022;

23 (B) hosting offshore naval exercises, enti-
24 tled “Operation Mosi II”, carried out jointly
25 with the PRC and Russia, between February 17

1 and 27, 2023, corresponding with the 1-year
2 anniversary of Russia’s unjustified and
3 unprovoked invasion of Ukraine;

4 (C) authorizing a United States-sanctioned
5 Russian military cargo airplane to land at a
6 South African Air Force Base;

7 (D) reneging on its initial call for the Rus-
8 sian Federation to immediately withdraw its
9 forces from Ukraine and actively seeking im-
10 proved relations with Moscow since February
11 2022; and

12 (E) dispatching multiple high-level official
13 delegations to Russia to further political, intel-
14 ligence, and military cooperation.

15 (6) South African Government interactions with
16 the PRC Government and ANC interactions with the
17 Chinese Communist Party (“CCP”), who are com-
18 mitting gross violations of human rights in the
19 Xinjiang province and implement economically coer-
20 cive tactics around the globe, undermine South Afri-
21 ca’s democratic constitutional system of governance,
22 as exemplified in—

23 (A) ongoing ANC and CCP inter-party co-
24 operation, especially with the fundamental in-
25 compatibility between the civil and democratic

1 rights guaranteed in South Africa’s Constitu-
2 tion and the CCP’s routine suppression of free
3 expression and individual rights;

4 (B) the recruitment of former United
5 States and NATO fighter pilots to train Chi-
6 nese People’s Liberation Army pilots at the
7 Test Flying Academy of South Africa which the
8 Department of Commerce added to the Entity
9 List on June 12, 2023;

10 (C) South Africa’s hosting of 6 PRC Gov-
11 ernment-backed and CCP-linked Confucius In-
12 stitutes, a type of entity that a CCP official
13 characterized as an “important part of the
14 CCP’s external propaganda structure”, the
15 most of any country in Africa;

16 (D) South Africa’s participation in a polit-
17 ical training school opened in Tanzania funded
18 by the Chinese Communist Party where it
19 trains political members of the ruling liberation
20 movements in six Southern African countries.
21 The school instills CCP ideology into the next-
22 generation of African leaders and attempts to
23 export the CCP’s system of party-run authori-
24 tarian governance to the African continent;

1 (E) cooperation with the PRC under the
2 PRC's global Belt and Road Initiative which,
3 while trade and infrastructure-focused, is de-
4 signed to expand PRC global economic, polit-
5 ical, and security sector-related influence; and

6 (F) the widespread presence in South Afri-
7 ca's media and technology sectors of PRC state
8 linked firms that the United States has re-
9 stricted due to threats to national security, in-
10 cluding Huawei Technologies, ZTE and
11 Hikvision, which place South African sov-
12 ereignty at risk and facilitate the CCP's export
13 of its model of digitally aided authoritarian gov-
14 ernance underpinned by cyber controls, social
15 monitoring, propaganda, and surveillance.

16 (7) The ANC-led South African Government
17 has a history of substantially mismanaging a range
18 of state resources and has often proven incapable of
19 effectively delivering public services, threatening the
20 South African people and the South African econ-
21 omy, as illustrated by—

22 (A) President Cyril Ramaphosa's February
23 9, 2023, declaration of a national state of dis-
24 aster over the worsening, multi-year power cri-
25 sis caused by the ANC's chronic mismanage-

1 ment of the state-owned power company
2 Eskom, resulting from endemic, high-level cor-
3 ruption;

4 (B) the persistence of South African state-
5 owned railway company Transnet’s insufficient
6 capacity, which has disrupted rail operations
7 and hindered mining companies’ export of iron
8 ore, coal, and other commodities, in part due to
9 malfeasance and corruption by former Transnet
10 officials;

11 (C) an on-going outbreak of cholera, the
12 worst in 15 years, which is due in part to the
13 South African Government’s disease prevention
14 failures, as President Ramaphosa admitted on
15 June 9, 2023, including a failure to provide
16 clean water to households; and

17 (D) rampant state capture, that emerged
18 and grew during the administration of former
19 President Jacob Zuma and has damaged South
20 Africa’s international standing and profoundly
21 undermined the rule of law, continues to nega-
22 tively impact the economic development pros-
23 pects and living standards of the South African
24 people while deeply damaging public trust in
25 state governance.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) it is in the national security interest of the
4 United States to deter strategic political and secu-
5 rity cooperation and information sharing with the
6 PRC and the Russian Federation, particularly any
7 form of cooperation that may aid or abet Russia's
8 illegal war of aggression in Ukraine or its inter-
9 national standing or influence; and

10 (2) the ANC's foreign policy actions have long
11 ceased to reflect its stated stance of nonalignment,
12 and now directly favor the PRC, the Russian Fed-
13 eration, and Hamas, a known proxy of Iran, and
14 thereby undermine United States national security
15 and foreign policy interests.

16 **SEC. 4. PRESIDENTIAL CERTIFICATION OF DETERMINA-**
17 **TION WITH RESPECT TO SOUTH AFRICA.**

18 (a) IN GENERAL.—Not later than 30 days after the
19 date of enactment of this Act, the President, in consulta-
20 tion with the Secretary of State and the Secretary of De-
21 fense, shall certify to the appropriate congressional com-
22 mittees and release publicly an unclassified determination
23 explicitly stating whether South Africa has engaged in ac-
24 tivities that undermine United States national security or
25 foreign policy interests.

1 (b) ACCOMPANYING REPORT.—The certification re-
2 quired by subsection (a) shall be accompanied by an un-
3 classified report submitted to the appropriate congres-
4 sional committees, with a classified annex if necessary,
5 providing the justification for the determination.

6 **SEC. 5. FULL REVIEW OF THE BILATERAL RELATIONSHIP.**

7 (a) BILATERAL RELATIONSHIP REVIEW.—The Presi-
8 dent, in consultation with the Secretary of State, the Ad-
9 ministrator of the United States Agency for International
10 Development, the Secretary of Defense, the United States
11 Ambassador to South Africa, and the heads of other de-
12 partments and agencies that play a substantial role in
13 United States relations with South Africa, shall conduct
14 a comprehensive review of the bilateral relationship be-
15 tween the United States and South Africa.

16 (b) REPORT ON FINDINGS.—Not later than 120 days
17 after the date of enactment of this Act, the President shall
18 submit to the appropriate congressional committees a re-
19 port that includes the findings of the review required by
20 subsection (a).

21 **SEC. 6. DEFINITIONS.**

22 (a) ANC.—The term “ANC” means the African Na-
23 tional Congress.

24 (b) PRC.—The term “PRC” means the People’s Re-
25 public of China.

1 (c) CCP.—The term “CCP” means the Chinese Com-
2 munist Party.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES.—
4 The term “appropriate congressional committees”
5 means—

6 (1) the Committee on Foreign Affairs of the
7 House of Representatives; and

8 (2) the Committee on Foreign Relations of the
9 Senate.

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