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(Original Signature of Member)

118TH CONGRESS  
2ND SESSION

# H. R. \_\_\_\_

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. JAMES introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

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

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

### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “U.S.-South Africa Bilateral Relations Review Act”.

### **SEC. 2. FINDINGS.**

Congress finds the following:

- (1) The actions of the African National Congress (“ANC”), which since 1994 has held a governing majority and controlled South Africa’s

executive branch, are inconsistent with its publicly stated policy of nonalignment in international affairs.

(2) In contrast to its stated stance of nonalignment, the South African Government has a history of siding with malign actors, including Hamas, a U.S. designated Foreign Terrorist Organization and a proxy of the Iranian regime, and continues to pursue closer ties with the People's Republic of China ("PRC") and the Russian Federation.

(3) The South African Government's support of Hamas dates back to 1994, when the ANC first came into power, taking a hardline stance of consistently accusing Israel of practicing apartheid.

(4) Following Hamas' unprovoked and unprecedented horrendous attack on Israel on October 7, 2023, where Hamas terrorists killed and kidnapped hundreds of Israelis, members of the South African Government and leaders of the ANC have delivered a variety of antisemitic and anti-Israel-related statements and actions, including—

(A) on October 7, 2023, South Africa's Foreign Ministry released a statement expressing concern of "escalating violence", urging Israel's restraint in response, and implicitly blaming Israel for provoking the attack through "continued illegal occupation of Palestine land, continued settlement expansion, desecration of the Al Aqsa Mosque and Christian holy sites, and ongoing oppression of the Palestinian people;"

(B) on October 8, 2023, the ANC's national spokesperson, Mahlengi Bhengu-Motsiri, said of the devastating Hamas attack, "the decision by Palestinians to respond to the brutality of the settler Israeli apartheid regime is unsurprising;"

(C) on October 14, 2023, President Cyril Ramaphosa of South Africa, accused Israel of "genocide" in statements during a pro-Palestinian rally;

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

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

(F) on November 7, 2023, in a parliamentary address Foreign Minister Pandor called for the International Criminal Court to charge Israeli Prime Minister Benjamin Netanyahu with war crimes;

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

(H) on December 29, 2023, South Africa filed a politically motivated suit in the International Court of Justice wrongfully accusing Israel of committing genocide.

(5) The South African Government has pursued increasingly close relations with the Russian Federation, which has been accused of perpetrating war crimes in Ukraine and indiscriminately undermines human rights. South Africa's robust relationship with Russia spans the military and political space, including—

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

(B) hosting offshore naval exercises, entitled "Operation Mosi II", carried out jointly with the PRC and Russia, between February 17 and 27, 2023, corresponding with the 1-year anniversary of Russia's unjustified and unprovoked invasion of Ukraine;

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

(D) reneging on its initial call for the Russian Federation to immediately withdraw its forces from Ukraine and actively seeking improved relations with Moscow since February 2022; and

(E) dispatching multiple high-level official delegations to Russia to further political, intelligence, and military cooperation.

(6) South African Government interactions with the PRC Government and ANC interactions with the Chinese Communist Party (“CCP”), who are committing gross violations of human rights in the Xinjiang province and implement economically coercive tactics around the globe, undermine South Africa’s democratic constitutional system of governance, as exemplified in—

(A) ongoing ANC and CCP inter-party cooperation, especially with the fundamental incompatibility between the civil and democratic rights guaranteed in South Africa’s Constitution and the CCP’s routine suppression of free expression and individual rights;

(B) the recruitment of former United States and NATO fighter pilots to train Chinese People’s Liberation Army pilots at the Test Flying Academy of South Africa which the Department of Commerce added to the Entity List on June 12, 2023;

(C) South Africa’s hosting of 6 PRC Government-backed and CCP-linked Confucius Institutes, a type of entity that a CCP official characterized as an “important part of the CCP’s external propaganda structure”, the most of any country in Africa;

(D) South Africa’s participation in a political training school opened in Tanzania funded by the Chinese Communist Party where it trains political members of the ruling liberation movements in six Southern African countries. The school instills CCP ideology into the next-generation of African leaders and attempts to export the CCP’s system of party-run authoritarian governance to the African continent;

(E) cooperation with the PRC under the PRC’s global Belt and Road Initiative which, while trade and infrastructure-focused, is designed to expand PRC global economic, political, and security sector-related influence; and

(F) the widespread presence in South Africa’s media and technology sectors of PRC state linked firms that the United States has restricted due to threats to national security, including Huawei

Technologies, ZTE and Hikvision, which place South African sovereignty at risk and facilitate the CCP's export of its model of digitally aided authoritarian governance underpinned by cyber controls, social monitoring, propaganda, and surveillance.

(7) The ANC-led South African Government has a history of substantially mismanaging a range of state resources and has often proven incapable of effectively delivering public services, threatening the South African people and the South African economy, as illustrated by—

(A) President Cyril Ramaphosa's February 9, 2023, declaration of a national state of disaster over the worsening, multi-year power crisis caused by the ANC's chronic mismanagement of the state-owned power company Eskom, resulting from endemic, high-level corruption;

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

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

(D) rampant state capture, that emerged and grew during the administration of former President Jacob Zuma and has damaged South Africa's international standing and profoundly undermined the rule of law, continues to negatively impact the economic development prospects and living standards of the South African people while deeply damaging public trust in state governance.

### **SEC. 3. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) it is in the national security interest of the United States to deter strategic political and security cooperation and information sharing

with the PRC and the Russian Federation, particularly any form of cooperation that may aid or abet Russia's illegal war of aggression in Ukraine or its international standing or influence; and

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

#### **SEC. 4. PRESIDENTIAL CERTIFICATION OF DETERMINATION WITH RESPECT TO SOUTH AFRICA.**

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the President, in consultation with the Secretary of State and the Secretary of Defense, shall certify to the appropriate congressional committees and release publicly an unclassified determination explicitly stating whether South Africa has engaged in activities that undermine United States national security or foreign policy interests.

(b) **ACCOMPANYING REPORT.**—The certification required by subsection (a) shall be accompanied by an unclassified report submitted to the appropriate congressional committees, with a classified annex if necessary, providing the justification for the determination.

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

(a) **BILATERAL RELATIONSHIP REVIEW.**—The President, in consultation with the Secretary of State, the Administrator of the United States Agency for International Development, the Secretary of Defense, the United States Ambassador to South Africa, and the heads of other departments and agencies that play a substantial role in United States relations with South Africa, shall conduct a comprehensive review of the bilateral relationship between the United States and South Africa.

(b) **REPORT ON FINDINGS.**—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report that includes the findings of the review required by subsection (a).

#### **SEC. 6. DEFINITIONS.**

(a) **ANC.**—The term “ANC” means the African National Congress.

(b) **PRC.**—The term “PRC” means the People's Republic of China.

(c) CCP.—The term “CCP” means the Chinese Communist Party.

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

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

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

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