

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 7256  
OFFERED BY MR. JAMES OF MICHIGAN**

Strike all after the enacting clause and insert the following:

**1 SEC. 1. SHORT TITLE.**

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

**4 SEC. 2. FINDINGS.**

5       Congress finds the following:

6           (1) The actions of factions within the African  
7 National Congress (“ANC”), the political party that  
8 since 1994 has held a governing majority and con-  
9 trolled South Africa’s executive branch, are incon-  
10 sistent with the South African Government’s publicly  
11 stated policy of nonalignment in international af-  
12 fairs.

13           (2) The South African Government has a his-  
14 tory of siding with malign actors, including Hamas,  
15 a United States designated Foreign Terrorist Orga-  
16 nization and a proxy of the Iranian regime, and con-  
17 tinues to pursue closer ties with the People’s Repub-  
18 lic of China (“PRC”) and the Russian Federation.

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

5           (4) Following Hamas’ unprovoked and unprece-  
6             dented horrendous attack on Israel on October 7,  
7             2023, where Hamas terrorists killed and kidnapped  
8             hundreds of Israelis, members of the South African  
9             Government and leaders of the ANC have delivered  
10            a variety of antisemitic and anti-Israel-related state-  
11            ments and actions, including—

12                   (A) on October 7, 2023, South Africa’s  
13                   Foreign Ministry released a statement express-  
14                   ing concern of “escalating violence”, urging  
15                   Israel’s restraint in response, and implicitly  
16                   blaming Israel for provoking the attack through  
17                   “continued illegal occupation of Palestine land,  
18                   continued settlement expansion, desecration of  
19                   the Al Aqsa Mosque and Christian holy sites,  
20                   and ongoing oppression of the Palestinian peo-  
21                   ple”;

22                   (B) on October 8, 2023, the ANC’s na-  
23                   tional spokesperson, Mahlengi Bhengu-Motsiri,  
24                   said of the devastating Hamas attack, “the de-  
25                   cision by Palestinians to respond to the bru-

1 tality of the settler Israeli apartheid regime is  
2 unsurprising”;

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

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

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

14 (F) on November 7, 2023, in a parliamen-  
15 tary address, Foreign Minister Pandor called  
16 for the International Criminal Court to issue an  
17 immediate arrest warrant charging Israeli  
18 Prime Minister Benjamin Netanyahu with vio-  
19 lations of international criminal law;

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

1 (H) on December 5, 2023, the ANC hosted  
2 3 members of Hamas in Pretoria, including  
3 Khaled Qaddoumi, Hamas's representative to  
4 Iran, and Bassem Naim, a member of Hamas's  
5 political bureau in Gaza;

6 (I) on December 29, 2023, South Africa  
7 filed a politically motivated suit in the Inter-  
8 national Court of Justice wrongfully accusing  
9 Israel of committing genocide; and

10 (J) in March 2024, South African Foreign  
11 Minister Pandor was quoted saying South Afri-  
12 ca will arrest Israeli-South Africans who are  
13 fighting in the Israeli Defense Forces upon  
14 their return home and could strip them of their  
15 South African citizenship. Minister Pandor also  
16 implicitly encouraged protests outside of the  
17 United States Embassy.

18 (5) The South African Government has main-  
19 tained close relations with the Russian Federation,  
20 which has been accused of perpetrating war crimes  
21 in Ukraine and indiscriminately undermines human  
22 rights. South Africa's robust relationship with Rus-  
23 sia spans the military and political space, includ-  
24 ing—

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

5 (B) hosting offshore naval exercises, enti-  
6 tled “Operation Mosi II”, carried out jointly  
7 with the PRC and Russia, between February 17  
8 and 27, 2023, corresponding with the 1-year  
9 anniversary of Russia’s unjustified and  
10 unprovoked invasion of Ukraine;

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

14 (D) reneging on its initial call for the Rus-  
15 sian Federation to immediately withdraw its  
16 forces from Ukraine and actively seeking im-  
17 proved relations with Moscow since February  
18 2022; and

19 (E) dispatching multiple high-level official  
20 delegations to Russia to further political, intel-  
21 ligence, and military cooperation.

22 (6) South African Government interactions with  
23 the PRC Government and ANC interactions with the  
24 Chinese Communist Party (“CCP”), who are com-  
25 mitting gross violations of human rights in the

1 Xinjiang province and implement economically coer-  
2 cive tactics around the globe, undermine South Afri-  
3 ca's democratic constitutional system of governance,  
4 as exemplified in—

5 (A) ongoing ANC and CCP inter-party co-  
6 operation, especially with the fundamental in-  
7 compatibility between the civil and democratic  
8 rights guaranteed in South Africa's Constitu-  
9 tion and the CCP's routine suppression of free  
10 expression and individual rights;

11 (B) allowing the private Test Flying Acad-  
12 emy of South Africa, which the Department of  
13 Commerce added to the Entity List on June  
14 12, 2023, to recruit former United States and  
15 NATO fighter pilots to train Chinese People's  
16 Liberation Army pilots;

17 (C) South Africa's hosting of 6 PRC Gov-  
18 ernment-backed and CCP-linked Confucius In-  
19 stitutes, a type of entity that a CCP official  
20 characterized as an "important part of the  
21 CCP's external propaganda structure", the  
22 most of any country in Africa;

23 (D) South African Government support  
24 for, and ANC participation in, a political train-  
25 ing school opened in Tanzania funded by the

1 Chinese Communist Party where it trains polit-  
2 ical members of the ruling liberation movements  
3 in 6 Southern African countries. The school in-  
4 stills CCP ideology into the next-generation of  
5 African leaders and attempts to export the  
6 CCP's system of party-run authoritarian gov-  
7 ernance to the African continent;

8 (E) cooperation with the PRC under the  
9 PRC's global Belt and Road Initiative which,  
10 while trade and infrastructure-focused, is de-  
11 signed to expand PRC global economic, polit-  
12 ical, and security sector-related influence; and

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

23 (7) The ANC-led South African Government  
24 has a history of substantially mismanaging a range  
25 of state resources and has often proven incapable of

1 effectively delivering public services, threatening the  
2 South African people and the South African econ-  
3 omy, as illustrated by—

4 (A) President Cyril Ramaphosa’s February  
5 9, 2023, declaration of a national state of dis-  
6 aster over the worsening, multi-year power cri-  
7 sis caused by the ANC’s chronic mismanage-  
8 ment of the state-owned power company  
9 Eskom, resulting from endemic, high-level cor-  
10 ruption;

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

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

24 (D) rampant state capture, that emerged  
25 and grew during the administration of former

1           President Jacob Zuma and has damaged South  
2           Africa’s international standing and profoundly  
3           undermined the rule of law, continues to nega-  
4           tively impact the economic development pros-  
5           pects and living standards of the South African  
6           people while deeply damaging public trust in  
7           state governance.

8   **SEC. 3. SENSE OF CONGRESS.**

9           It is the sense of Congress that—

10           (1) it is in the national security interest of the  
11           United States to deter strategic political and secu-  
12           rity cooperation and information sharing with the  
13           PRC and the Russian Federation, particularly any  
14           form of cooperation that may aid or abet Russia’s  
15           war of aggression on Ukraine or its international  
16           standing or influence; and

17           (2) the South African Government’s foreign pol-  
18           icy actions have long ceased to reflect its stated  
19           stance of nonalignment, and now directly favor the  
20           PRC, the Russian Federation, and Hamas, a known  
21           proxy of Iran, and thereby undermine United States  
22           national security and foreign policy interests.

1 **SEC. 4. PRESIDENTIAL CERTIFICATION OF DETERMINA-**  
2 **TION WITH RESPECT TO SOUTH AFRICA.**

3 (a) **IN GENERAL.**—Not later than 30 days after the  
4 date of enactment of this Act, the President, in consulta-  
5 tion with the Secretary of State and the Secretary of De-  
6 fense, shall certify to the appropriate congressional com-  
7 mittees and release publicly an unclassified determination  
8 explicitly stating whether South Africa has engaged in ac-  
9 tivities that undermine United States national security or  
10 foreign policy interests.

11 (b) **ACCOMPANYING REPORT.**—The certification re-  
12 quired by subsection (a) shall be accompanied by an un-  
13 classified report submitted to the appropriate congres-  
14 sional committees, with a classified annex if necessary,  
15 providing the justification for the determination.

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

17 (a) **BILATERAL RELATIONSHIP REVIEW.**—The Presi-  
18 dent, in consultation with the Secretary of State, the Ad-  
19 ministrator of the United States Agency for International  
20 Development, the Secretary of Defense, the United States  
21 Ambassador to South Africa, and the heads of other de-  
22 partments and agencies that play a substantial role in  
23 United States relations with South Africa, shall conduct  
24 a comprehensive review of the bilateral relationship be-  
25 tween the United States and South Africa.

1 (b) REPORT ON FINDINGS.—Not later than 120 days  
2 after the date of enactment of this Act, the President shall  
3 submit to the appropriate congressional committees a re-  
4 port that includes the findings of the review required by  
5 subsection (a).

6 **SEC. 6. DEFINITIONS.**

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

9 (b) APPROPRIATE CONGRESSIONAL COMMITTEES.—  
10 The term “appropriate congressional committees”  
11 means—

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

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

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

18 (d) PRC.—The term “PRC” means the People’s Re-  
19 public of China.

