

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on _____

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 governing
10 majority and controlled South Africa’s executive

1 branch, are inconsistent with its publicly stated poli-
2 icy of nonalignment in international affairs.

3 (2) In contrast to its stated stance of nonalign-
4 ment, the Government of South Africa has a history
5 of siding with malign actors, including Hamas, a
6 United States-designated Foreign Terrorist Organi-
7 zation and a proxy of the Iranian regime, and con-
8 tinues to pursue closer ties with the People’s Repub-
9 lic of China (PRC) and the Russian Federation.

10 (3) The Government of South Africa’s support
11 of 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 Government of
18 South Africa 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;

8 (H) on December 5, 2023, the ANC hosted
9 three members of Hamas in Pretoria, including
10 Khaled Qaddoumi, Hamas's representative to
11 Iran, and Bassem Naim, a member of Hamas's
12 political bureau in Gaza;

13 (I) on December 29, 2023, South Africa
14 filed a politically motivated suit in the Inter-
15 national Court of Justice wrongfully accusing
16 Israel of committing genocide;

17 (J) South African Foreign Minister
18 Pandor, who—

19 (i) was quoted in March 2024 as say-
20 ing that South Africa will arrest Israeli-
21 South Africans who are fighting in the
22 Israeli Defense Forces upon their return
23 home and could strip them of their South
24 African citizenship; and

1 (ii) has implicitly encouraged protests
2 outside of the United States Embassy;

3 (K) on October 7, 2024, the ANC com-
4 memorated only the Palestinian lives lost to
5 Israel, while accusing Israel of genocide;

6 (L) in October 2024, South Africa filed its
7 Memorial to the International Court of Justice,
8 accusing Israel of genocidal actions to depopu-
9 late Gaza through mass death and displace-
10 ment;

11 (M) in November 2024, South Africa ap-
12 pointed Ebrahim Rasool as their Ambassador to
13 the United States, who previously hosted senior
14 Hamas officials to South Africa when he was
15 the Premier of the Western Cape and, in 2020,
16 was a speaker at an annual event hosted by the
17 Iranian regime to celebrate Hezbollah's resist-
18 ance against Israel; and

19 (N) the ANC's ongoing attempt to rename
20 the street that the United States Consulate in
21 Johannesburg is located on as "Leila Khaled
22 Drive", including a quote from ANC first Dep-
23 uty Secretary General Nomvula Mokonyane
24 stating, "We want the United States of Amer-

1 ica embassy to change their letterhead to Num-
2 ber 1 Leila Khaled Drive.”.

3 (5) The Government of South Africa has pur-
4 sued increasingly close relations with the Govern-
5 ment of the Russian Federation, which has been ac-
6 cused of perpetrating war crimes in Ukraine and in-
7 discriminately undermines human rights. South Afri-
8 ca’s robust relationship with Russia spans the mili-
9 tary and political space, including—

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

14 (B) hosting offshore naval exercises, enti-
15 tled “Operation Mosi II”, carried out jointly
16 with the PRC and Russia, between February 17
17 and 27, 2023, corresponding with the 1-year
18 anniversary of Russia’s unjustified and
19 unprovoked invasion of Ukraine;

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

23 (D) reneging on its initial call for the Rus-
24 sian Federation to immediately withdraw its
25 forces from Ukraine and actively seeking im-

1 proved relations with Moscow since February
2 2022;

3 (E) dispatching multiple high-level official
4 delegations to Russia to further political, intel-
5 ligence, and military cooperation;

6 (F) United States sanctioned oligarch
7 Viktor Vekselberg donating \$826,000 to the
8 ANC in 2022; and

9 (G) the ANC publishing an article in their
10 newspaper, ANC Today, in October 2024 pro-
11 moting Russian propaganda about the war in
12 Ukraine.

13 (6) Interactions between the Governments of
14 South Africa the People's Republic of China and
15 ANC interactions with the Chinese Communist
16 Party (CCP), who are committing gross violations of
17 human rights in the Xinjiang province and imple-
18 ment economically coercive tactics around the globe,
19 undermine South Africa's democratic constitutional
20 system of governance, as exemplified in—

21 (A) ongoing ANC and CCP inter-party co-
22 operation, especially with the fundamental in-
23 compatibility between the civil and democratic
24 rights guaranteed in South Africa's Constitu-

1 tion and the CCP’s routine suppression of free
2 expression and individual rights;

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

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

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

24 (E) cooperation with the PRC under the
25 PRC’s global Belt and Road Initiative which,

1 while trade and infrastructure-focused, is de-
2 signed to expand PRC global economic, polit-
3 ical, and security sector-related influence;

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

14 (G) the Government of South Africa's clear
15 appeasement to the CCP in demanding that
16 Taiwan relocate its representative office out of
17 Pretoria and downgrade its status to that of a
18 trade office.

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

1 (A) President Cyril Ramaphosa's February
2 9, 2023, declaration of a national state of dis-
3 aster over the worsening, multi-year power cri-
4 sis caused by the ANC's chronic mismanage-
5 ment of the state-owned power company
6 Eskom, resulting from endemic, high-level cor-
7 ruption;

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

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

21 (D) rampant state capture, that emerged
22 and grew during the administration of former
23 President Jacob Zuma and has damaged South
24 Africa's international standing and profoundly
25 undermined the rule of law, continues to nega-

1 tively impact the economic development pros-
2 pects and living standards of the South African
3 people while deeply damaging public trust in
4 state governance.

5 (8) In November 2024, South Africa appointed
6 Ebrahim Rasool as Ambassador to the United
7 States. Rasool had previously made public comments
8 describing President Trump as “extreme” and in
9 March 2025, Mr. Rasool characterized President
10 Trump as “a white supremacist”. Secretary of State
11 Marco Rubio subsequently declared Mr. Rasool as
12 *persona non grata* in the United States.

13 **SEC. 3. SENSE OF CONGRESS.**

14 It is the sense of Congress that—

15 (1) it is in the national security interest of the
16 United States to deter strategic political and secu-
17 rity cooperation and information sharing with the
18 PRC and the Russian Federation, particularly any
19 form of cooperation that may aid or abet Russia’s
20 illegal war of aggression in Ukraine or its inter-
21 national standing or influence; and

22 (2) the ANC’s foreign policy actions have long
23 ceased to reflect its stated stance of nonalignment,
24 and now directly favor the PRC, the Russian Fed-
25 eration, and Hamas, a known proxy of Iran, and

1 thereby undermine United States national security
2 and foreign policy interests.

3 **SEC. 4. FULL REVIEW OF THE BILATERAL RELATIONSHIP.**

4 The President, in consultation with the Secretary of
5 State, the Secretary of Defense, the United States Amba-
6 sador to South Africa, and the heads of other departments
7 and agencies that play a substantial role in United States
8 relations with South Africa, shall conduct a comprehensive
9 review of the bilateral relationship between the United
10 States and South Africa.

11 **SEC. 5. REPORT AND CERTIFICATION.**

12 Not later than 120 days after the date of the enact-
13 ment of this Act, the President shall submit to the appro-
14 priate congressional committees a report that includes the
15 following:

16 (1) The findings of the review required by sec-
17 tion 4.

18 (2) A certification, in consultation with the Sec-
19 retary of State and the Secretary of Defense, explic-
20 itly stating whether South Africa has engaged in ac-
21 tivities that undermine the national security or for-
22 eign policy interests of the United States, together
23 with an unclassified report, including a classified
24 annex as necessary, providing a justification for the

1 determination. The President shall publish the cer-
2 tification in unclassified form.

3 **SEC. 6. REPORT ON SANCTIONABLE PERSONS.**

4 (a) IN GENERAL.—Not later than 120 days after the
5 date of the enactment of this Act, the President, in con-
6 sultation with the Secretary of State and the Secretary
7 of the Treasury, shall submit to the appropriate congres-
8 sional committees a classified report on senior South Afri-
9 can government officials and ANC leaders.

10 (b) ELEMENTS.—The report required under sub-
11 section (a) shall include the following elements:

12 (1) A list of senior South African government
13 officials and ANC leaders the President determines
14 have engaged in corruption or human rights abuses
15 that would be sufficient, based on credible evidence,
16 to meet the criteria for the imposition of sanctions
17 pursuant to the authorities provided by the Global
18 Magnitsky Human Rights Accountability Act (22
19 U.S.C. 10101 et seq.).

20 (2) With respect to each person included on
21 such list—

22 (A) a detailed explanation describing the
23 conduct forming the basis of the person's inclu-
24 sion on the list; and

1 (B)(i) the expected timeline for sanctions
2 described in paragraph (1) to be imposed with
3 respect to such person; or

4 (ii) if the President does not intend to im-
5 pose sanctions with respect to such person, a
6 detailed justification describing the rationale
7 and legal authorities underlying such negative
8 determination.

9 **SEC. 7. TERMINATION OF ELIGIBILITY OF SOUTH AFRICA**
10 **FOR CERTAIN TRADE PREFERENCES PRO-**
11 **GRAMS.**

12 If the President determines and certifies under sec-
13 tion 5(2) that South Africa has engaged in activities that
14 undermine the national security or foreign policy interests
15 of the United States, the President shall terminate the eli-
16 gibility of South Africa for designation as an eligible sub-
17 Saharan African country under section 104 of the African
18 Growth and Opportunity Act (19 U.S.C. 3703) or a bene-
19 ficiary sub-Saharan African country under section 506A
20 of the Trade Act of 1974 (19 U.S.C. 2466a).

21 **SEC. 8. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
22 **FINED.**

23 In this Act, the term “appropriate congressional com-
24 mittees” means—

- 1 (1) the Committee on Foreign Relations of the
- 2 Senate; and
- 3 (2) the Committee on Foreign Affairs of the
- 4 House of Representatives.