

113TH CONGRESS
1ST SESSION

H. R. 416

To condition security assistance and economic assistance to the Government of Egypt in order to advance United States national security interests in Egypt, including encouraging the advancement of political, economic, and religious freedom in Egypt.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 2013

Ms. ROS-LEHTINEN introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To condition security assistance and economic assistance to the Government of Egypt in order to advance United States national security interests in Egypt, including encouraging the advancement of political, economic, and religious freedom in Egypt.

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 “Egypt Accountability
5 and Democracy Promotion Act”.

1 **SEC. 2. DECLARATION OF POLICY.**

2 The policy of the United States shall be to use its
3 foreign assistance for Egypt, including the “Foreign Military
4 Financing” program, to advance United States national
5 security interests in Egypt, including encouraging
6 the advancement of political, economic, and religious freedom
7 in Egypt.

8 **SEC. 3. LIMITATION ON SECURITY ASSISTANCE TO THE**
9 **GOVERNMENT OF EGYPT.**

10 (a) LIMITATION.—Of the amounts available for assistance
11 for Egypt under section 23 of the Arms Export
12 Control Act (22 U.S.C. 2763; relating to the “Foreign
13 Military Financing” program)—

14 (1) 10 percent of that amount shall be withheld
15 from the Government of Egypt unless, not later than
16 30 days after the enactment of this Act, the Secretary
17 of State has made the certification described
18 in subsection (c);

19 (2) 50 percent of that amount shall be withheld
20 from the Government of Egypt if a further period of
21 30 days has elapsed immediately following the 30-day
22 period described in paragraph (1) without a certification
23 described in subsection (c) being in effect;
24 and

25 (3) 100 percent of that amount shall be withheld
26 from the Government of Egypt if a further pe-

1 riod of 120 days has elapsed immediately following
2 the 30-day period described in paragraph (2) with-
3 out a certification described in subsection (c) being
4 in effect.

5 (b) REPORT.—If the Secretary of State is unable to
6 make the certification described in subsection (c) and ap-
7 plies the withholding of funds described in paragraph (1),
8 (2), or (3) of subsection (a), as the case may be, the Sec-
9 retary shall transmit to the appropriate congressional
10 committees a report that contains the reasons therefor.

11 (c) CERTIFICATION.—A certification described in this
12 subsection is a certification transmitted by the Secretary
13 of State to the appropriate congressional committees that
14 contains a determination of the Secretary that—

15 (1)(A) the Government of Egypt is not directly
16 or indirectly controlled by or under the influence of
17 a foreign terrorist organization, its affiliates, or its
18 supporters; and

19 (B) no member, affiliate, or supporter of a for-
20 eign terrorist organization serves in a policy-making
21 position in a ministry, agency, or instrumentality of
22 the Government of Egypt;

23 (2) the Government of Egypt—

24 (A) has adopted and fully implemented
25 legal reforms that protect the political, eco-

1 nomic, and religious freedoms and human
2 rights of all citizens and residents of Egypt;
3 and

4 (B) is not acting to restrict the political,
5 economic, or religious freedoms and human
6 rights of the citizens and residents of Egypt;

7 (3) the Government of Egypt is fully imple-
8 menting the Israel-Egypt Peace Treaty; and

9 (4) the Government of Egypt is taking concrete,
10 verifiable steps to detect and destroy the smuggling
11 network and tunnels between Egypt and the Gaza
12 Strip and to crack down on violent extremist groups
13 and activities in the Sinai Peninsula.

14 (d) RECERTIFICATIONS.—Not later than 90 days
15 after the date on which the Secretary of State transmits
16 to the appropriate congressional committees an initial cer-
17 tification under subsection (c), and every 6 months there-
18 after—

19 (1) the Secretary shall transmit to the appro-
20 priate congressional committees a recertification that
21 the requirements contained in subsection (c) are
22 continuing to be met; or

23 (2) if the Secretary is unable to make such a
24 recertification, the Secretary shall apply the with-
25 holding of funds described in paragraph (1), (2), or

1 (3) of subsection (a), as the case may be, and the
2 Secretary shall transmit to the appropriate congres-
3 sional committees a report that contains the reasons
4 therefor.

5 (e) WAIVER.—The Secretary of State may waive the
6 limitation in subsection (a)(3) for one or more 90-day pe-
7 riods with respect to up to 50 percent of the amount re-
8 quired to be withheld under such subsection if, for each
9 such 90-day period, the Secretary determines and certifies
10 to the appropriate congressional committees that it is in
11 the national security interests of the United States to do
12 so and transmits to the appropriate congressional commit-
13 tees a report with detailed reasoning for the determination
14 and certification.

15 (f) TRANSFER OF CERTAIN INTEREST FOR EGYPT.—
16 Any interest earned from amounts in an interest bearing
17 account for Egypt to which funds made available under
18 section 23 of the Arms Export Control Act (22 U.S.C.
19 2763; relating to the “Foreign Military Financing” pro-
20 gram) shall be—

21 (1) transferred to and consolidated with
22 amounts available for assistance for the Middle East
23 Partnership Initiative under chapter 4 of part II of
24 the Foreign Assistance Act of 1961 (22 U.S.C. 2346

1 et seq.; relating to the “Economic Support Fund”);
2 and

3 (2) allocated for democracy and governance
4 programs for Egypt, including direct support for
5 secular, democratic nongovernmental organizations.

6 (g) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the Secretary of State shall
8 submit to the appropriate congressional committees a re-
9 port that includes the following:

10 (1) A description of the strategic objectives of
11 the United States regarding the provision of United
12 States security assistance to the Government of
13 Egypt.

14 (2) A description of biennial outlays of United
15 States security assistance to the Government of
16 Egypt for the purposes of strategic planning, train-
17 ing, provision of equipment, and construction of fa-
18 cilities, including funding streams.

19 (3) A description of vetting and end-user moni-
20 toring systems in place by both Egypt and the
21 United States for defense articles and training pro-
22 vided by the United States, including human rights
23 vetting.

24 (4) A description of actions that the Govern-
25 ment of Egypt is taking to—

1 (A) fully implement the Egypt-Israel peace
2 treaty;

3 (B) detect and destroy the smuggling net-
4 work and tunnels between Egypt and the Gaza
5 Strip and to crack down on violent extremist
6 groups and activities in the Sinai Peninsula;

7 (C) repudiate, combat, and stop incitement
8 to violence against the United States and
9 United States citizens and prohibit the trans-
10 mission within its domains of satellite television
11 or radio channels that broadcast such incite-
12 ment; and

13 (D) adopt and implement legal reforms
14 that protect the religious and democratic free-
15 doms of all citizens and residents of Egypt.

16 (5) Recommendations, including with respect to
17 required resources and actions, to maximize the ef-
18 fectiveness of United States security assistance pro-
19 vided to Egypt.

20 (h) GAO REPORT.—Not later than 120 days after
21 the date of the submission of the report required under
22 subsection (f), the Comptroller General of the United
23 States shall submit to the appropriate congressional com-
24 mittees a report that—

1 (1) reviews and comments on the report re-
2 quired under subsection (f); and

3 (2) provides recommendations regarding addi-
4 tional actions with respect to the provision of United
5 States security assistance to Egypt, if necessary.

6 (i) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
7 FINED.—In this section, the term “appropriate congres-
8 sional committees” means—

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

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

13 **SEC. 4. LIMITATION ON ECONOMIC ASSISTANCE TO EGYPT.**

14 (a) LIMITATION.—Of the amounts available for as-
15 sistance for Egypt under chapter 4 of part II of the For-
16 eign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relat-
17 ing to the “Economic Support Fund”), none of that
18 amount may be provided for direct or indirect assistance
19 to the Government of Egypt unless a certification de-
20 scribed in section 3(c) is in effect.

21 (b) REALLOCATION.—During a period in which a cer-
22 tification described in section 3(c) is not in effect, amounts
23 that may not be provided for direct or indirect assistance
24 to the Government of Egypt pursuant to the limitation
25 under subsection (a) shall be reallocated for democracy

1 and governance programs for Egypt, including direct sup-
2 port for secular, democratic nongovernmental organiza-
3 tions, as well as programming and support for rule of law
4 and human rights, good governance, political competition
5 and consensus-building, and civil society.

6 **SEC. 5. GOVERNMENT OF EGYPT DEFINED.**

7 In this Act, the term “Government of Egypt” means
8 any person, agent, instrumentality, or official of, is affili-
9 ated with, or is serving as a representative of the Govern-
10 ment of Egypt.

○