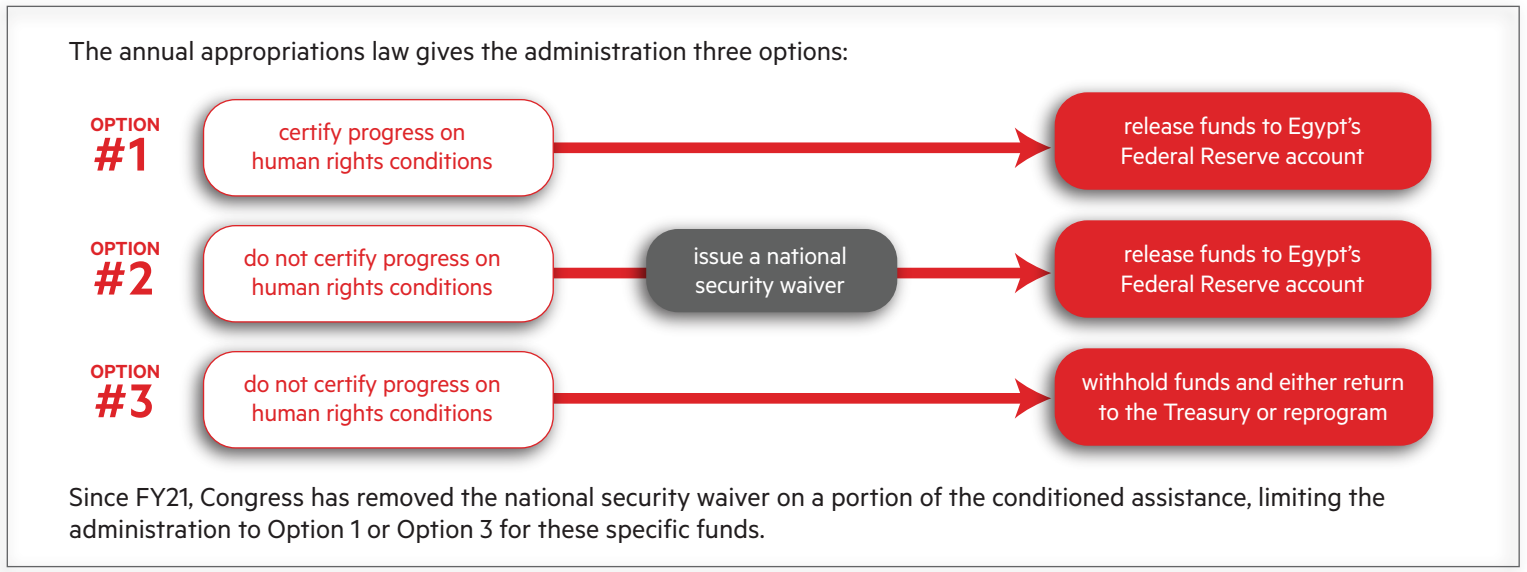


HUMAN RIGHTS CONDITIONS ON U.S. MILITARY AID TO EGYPT UNDER THE BIDEN ADMINISTRATION

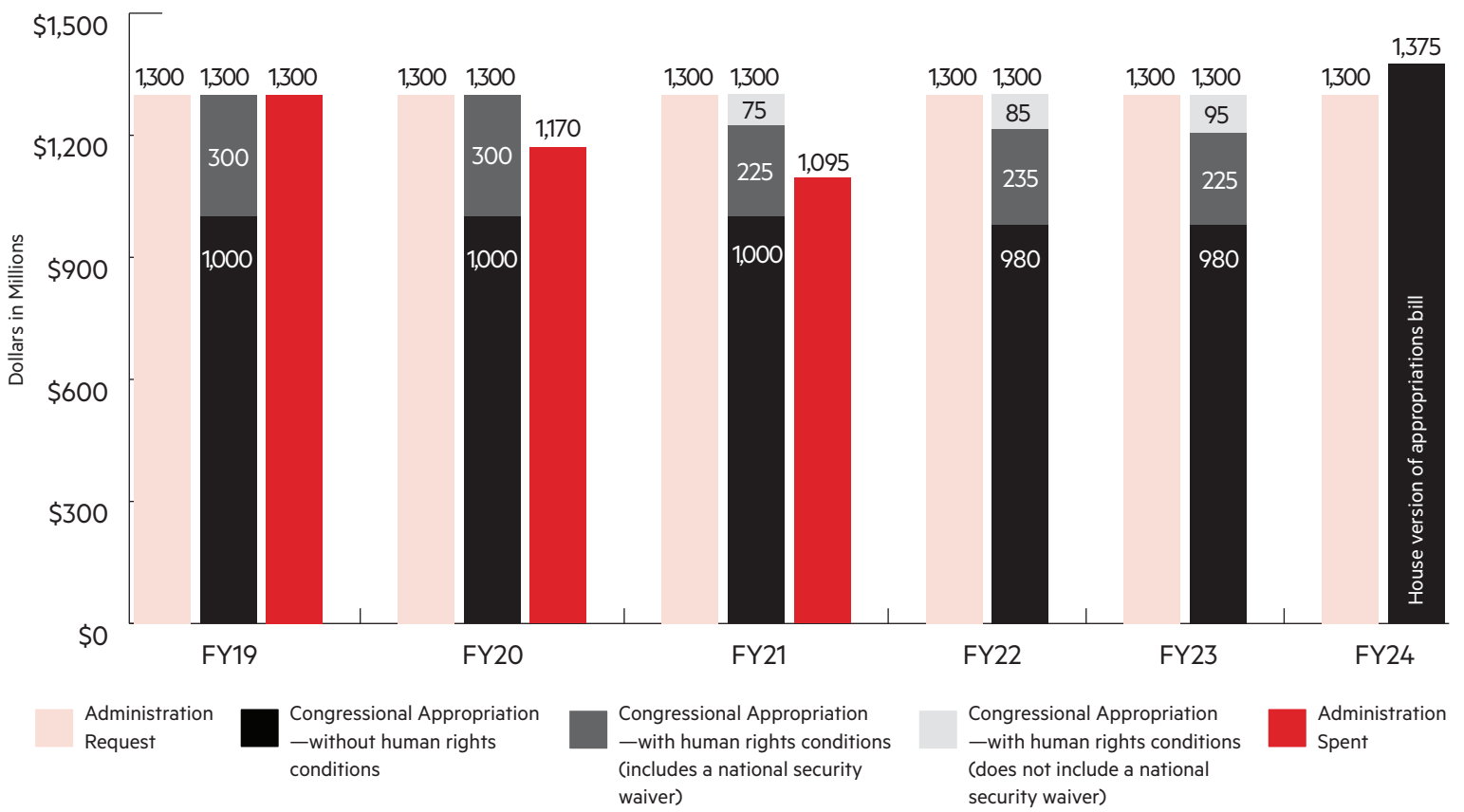


July 2023 // Seth Binder and Sheridan Cole

By September 30, 2023, the Biden administration will have to determine if the Egyptian government meets the human rights benchmarks that Congress attached to \$320 million of the \$1.3 billion in Foreign Military Financing (FMF) for Egypt from Fiscal Year (FY) 2022. In each of the last two years, the administration withheld \$130 million of the \$300 million conditioned FMF due to Egypt's failure to fulfill these terms. In addition, Congress will need to decide if it will again provide FMF to Egypt for FY2024, how much it will provide, and what amount (if any) it will condition. POMED's latest fact sheet explains the role of human rights conditions in U.S. military assistance to Egypt and provides an overview of what the Biden administration and Congress have done since President Biden came to office.



FOREIGN MILITARY FINANCING TO EGYPT, FY19-24



FMF APPROPRIATIONS FOR EGYPT, FY19-23

FY19

In August 2020, the administration used the national security waiver to obligate all \$300 million conditioned on human rights, moving the funds to Egypt's federal reserve account.

FY20

In September 2021, the State Department obligated the \$300 million in FY20 FMF conditioned on six human rights benchmarks. Instead of releasing all of the money to Egypt's Federal Reserve account, it took the unusual step of placing a 4-month executive hold on \$130 million of the \$300 million until the Government of Egypt **reportedly** addressed two human rights-related conditions:

Condition 1: Closing of the infamous 2013 NGO "Foreign Funding" case, also known as Case 173, in which dozens of Egyptian NGOs and their staff remain under investigation.

Condition 2: Drop charges against or release 16 Egyptians whose cases the Biden administration had raised since June 2021.

In response to the Egyptian government's failure to meet the two conditions, the Biden administration **reprogrammed** the \$130 million in January 2022 for climate resilience programs in the Pacific islands.

In obligating the remaining \$170 million, the administration ignored all 3 options listed above and instead used a loophole in the law to bypass the national security waiver by claiming that the military aid supported counterterrorism, border security, and nonproliferation. Congress eliminated this loophole in the FY23 appropriation.

FY21

In September 2022, Secretary Blinken reprogrammed \$130 million of the \$300 million in FY21 FMF conditioned on human rights reforms, due to the Egyptian government's failure to meet the conditions. These funds were instead provided to Lebanon (\$30 million) and the Philippines (\$100 million). At the same time, the secretary moved to obligate the remaining \$170 million, including \$75 million conditioned without a national security waiver on the release of political prisoners and the provision of due process to detainees. In taking Option 1 for that \$75 million, the administration drew the ire of retiring Senator Patrick Leahy (D-VT), the longtime leading Democrat on the Appropriations Committee. He objected to the secretary's determination that there had been "clear and consistent" progress and withheld the \$75 million until it was eventually returned to the U.S. Treasury, resulting in the Egyptian military receiving only \$95 million of the \$300 million total.

FY22

A decision on \$320 million in conditioned FMF (\$235 million with a waiver and \$85 million without) is required by September 30, 2023.

FY23

A decision on \$320 million in conditioned FMF (\$225 million with a waiver and \$95 million without) is required by September 30, 2024.

HUMAN RIGHTS CONDITIONS ON FOREIGN MILITARY FINANCING TO EGYPT, FY22 & FY23

WITH A NATIONAL SECURITY WAIVER (\$235M FOR FY22 & \$225M FOR FY23):

1. Strengthen the rule of law, democratic institutions, and human rights in Egypt, including to protect religious minorities and the rights of women, which are in addition to steps taken during the previous calendar year for such purposes.
2. Implement reforms that protect freedoms of expression, association, and peaceful assembly, including the ability of civil society organizations, human rights defenders, and the media to function without interference.
3. Hold Egyptian security forces accountable, including officers credibly alleged to have violated human rights.
4. Investigate and prosecute cases of extrajudicial killings and forced disappearances.
5. Provide regular access for U.S. officials to monitor such assistance in areas where the assistance is used.

WITHOUT A NATIONAL SECURITY WAIVER (\$85M FOR FY22 AND \$95M FOR FY23):

6. Make clear and consistent progress in releasing political prisoners, providing detainees with due process of law, and preventing the intimidation and harassment of U.S. citizens.