

**AMENDMENT TO RULES COMM. PRINT 117-54**  
**OFFERED BY MR. MALINOWSKI OF NEW JERSEY**

At the end of subtitle B of title XIII, add the following:

1 **SEC. 13 . TRANSFER OF EXCESS OLIVER HAZARD PERRY**  
2 **CLASS GUIDED MISSILE FRIGATES TO EGYPT.**

3 (a) IN GENERAL.—The President is authorized to  
4 transfer to the Government of Egypt the OLIVER HAZ-  
5 ARD PERRY class guided missile frigates ex-USS CARR  
6 (FFG-52) and ex-USS ELROD (FFG-55) on a grant  
7 basis under section 516 of the Foreign Assistance Act of  
8 1961 (22 U.S.C. 2321j) on or after the date on which  
9 the President submits to the appropriate congressional  
10 committees a certification described in subsection (b).

11 (b) CERTIFICATION.—The certification described in  
12 this subsection is a certification of the President of the  
13 following:

14 (1) The President has received reliable assur-  
15 ances that the Government of Egypt and any Egyp-  
16 tian state-owned enterprises—

17 (A) are not knowingly engaged in any ac-  
18 tivity subject to sanctions under the Countering  
19 America’s Adversaries Through Sanctions Act,

1 including an activity related to Russian Su-35  
2 warplanes or other advanced military tech-  
3 nologies; and

4 (B) will not knowingly engage in activity  
5 subject to sanctions under the Countering  
6 America's Adversaries Through Sanctions Act  
7 in the future.

8 (2) The Egyptian crews participating in train-  
9 ing related to and involved in the operation of the  
10 vessels transferred under this section are subject to  
11 the requirements of section 620M of the Foreign As-  
12 sistance Act of 1961 (22 U.S.C. 2378d), section 362  
13 of title 10, United States Code, and other relevant  
14 human rights vetting to ensure United States-funded  
15 assistance related to the transfer of the vessels  
16 under this section are not provided to Egyptian se-  
17 curity forces that have committee gross violations of  
18 internationally recognized human rights or other  
19 documented human rights abuses.

20 (3) The Government of Egypt is no longer un-  
21 lawfully or wrongfully detaining United States na-  
22 tionals or lawful permanent residents, based on cri-  
23 teria which may include—

1 (A) the detained individual has presented  
2 credible information of factual innocence to  
3 United States officials;

4 (B) information exists that the individual  
5 is detained solely or substantially because he or  
6 she is a citizen or national of the United States;

7 (C) information exists that the individual  
8 is being detained in violation of internationally  
9 protected rights and freedoms, such as freedom  
10 of expression, association, assembly, and reli-  
11 gion;

12 (D) the individual is being detained in vio-  
13 lation of the laws of the detaining country;

14 (E) independent nongovernmental organi-  
15 zations or journalists have raised legitimate  
16 questions about the innocence of the detained  
17 individual;

18 (F) the United States embassy in the  
19 country where the individual is detained has re-  
20 ceived credible reports that the detention is a  
21 pretext;

22 (G) police reports show evidence of the  
23 lack of a credible investigation;

24 (H) the individual is detained in a country  
25 where the Department of State has determined

1           in its annual human rights reports that the ju-  
2           dicial system is not independent or impartial, is  
3           susceptible to corruption, or is incapable of ren-  
4           dering just verdicts;

5           (I) the individual is detained in inhumane  
6           conditions; and

7           (J) the international right to due process  
8           of law has been sufficiently impaired so as to  
9           render the detention arbitrary.

10          (c) VIOLATIONS.—The President may not transfer a  
11 vessel under this section unless the Government of Egypt  
12 agrees that if any of the conditions described in subsection  
13 (b) are violated after the transfer of the vessel, the Gov-  
14 ernment of Egypt will re-transfer the vessel to the United  
15 States at the sole cost to the Government of Egypt, with-  
16 out using United States funds, including United States  
17 foreign military assistance funds.

18          (d) GRANTS NOT COUNTED IN ANNUAL TOTAL OF  
19 TRANSFERRED EXCESS DEFENSE ARTICLES.—The value  
20 of a vessel transferred to the Government of Egypt under  
21 this section shall not be counted against the aggregate  
22 value of excess defense articles transferred in any fiscal  
23 year under section 516 of the Foreign Assistance Act of  
24 1961 (22 U.S.C. 2321j).

1           (e) COSTS OF TRANSFERS.—Any expense incurred by  
2 the United States in connection with the transfer of a ves-  
3 sel under this section shall be charged to the Government  
4 of Egypt notwithstanding section 516(e) of the Foreign  
5 Assistance Act of 1961 (22 U.S.C. 2321j(e)).

6           (f) REPAIR AND REFURBISHMENT IN UNITED  
7 STATES SHIPYARDS.—To the maximum extent prac-  
8 ticable, the President shall require, as a condition of the  
9 transfer of a vessel under this section, that the Govern-  
10 ment of Egypt have such repair or refurbishment of the  
11 vessel as is needed, before the vessel joins the naval forces  
12 of Egypt, performed at a shipyard located in the United  
13 States, including a United States Navy shipyard.

14           (g) EXPIRATION OF AUTHORITY.—The authority to  
15 transfer a vessel under this section shall expire at the end  
16 of the three-year period beginning on the date of the en-  
17 actment of this Act.

18           (h) REQUIRED REPORT.—

19               (1) IN GENERAL.—Not later than 60 days be-  
20 fore the transfer of a vessel under this section, the  
21 President shall submit to the appropriate congress-  
22 sional committees a report describing the following:

23                       (A) The specific operational activities and  
24 objectives intended for the vessel upon receipt  
25 by the Government of Egypt.

1 (B) A detailed description of how the  
2 transfer of the vessel will help to alleviate  
3 United States mission requirements in the Bab  
4 el Mandeb and the Red Sea.

5 (C) A detailed description of how the  
6 transfer of the vessel will complement Combined  
7 Maritime Forces (CMF) mission goals and ac-  
8 tivities, including those of Combined Task  
9 Forces 150, 151, 152, and 153.

10 (D) A detailed description of incidents of  
11 arbitrary detention, violence, and state-san-  
12 tioned harassment in the past 5 years by the  
13 Government of Egypt against United States  
14 citizens, individuals in the United States, and  
15 their family members who are not United  
16 States citizens, in both Egypt and in the United  
17 States, and a determination of whether such in-  
18 cidents constitute a pattern of acts of intimidat-  
19 ion or harassment.

20 (E) A description of policy efforts to en-  
21 sure that United States security assistance pro-  
22 grams with Egypt are formulated in a manner  
23 that will “avoid identification of the United  
24 States, through such programs, with govern-  
25 ments which deny to their people internationally

1 recognized human rights and fundamental free-  
2 doms” in accordance with section 502B of the  
3 Foreign Assistance Act of 1961 (22 U.S.C.  
4 2304).

5 (2) FORM.—The report required by this sub-  
6 section shall be provided in unclassified form, but  
7 may include a separate classified annex.

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

11 (1) the Committee on Foreign Affairs and the  
12 Committee on Armed Services of the House of Rep-  
13 resentatives; and

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

