

107TH CONGRESS
1ST SESSION

S. 1465

AN ACT

To authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. EXEMPTIONS AND WAIVER OF APPROPRIA-**
2 **TIONS ACT PROHIBITIONS WITH RESPECT TO**
3 **PAKISTAN.**

4 (a) FISCAL YEAR 2002 AND PRIOR FISCAL YEARS.—

5 (1) EXEMPTIONS.—Any provision of the foreign
6 operations, export financing, and related programs
7 appropriations Act for fiscal year 2002, or any pro-
8 vision of such Act for a prior fiscal year, that pro-
9 hibits direct assistance to a country whose duly
10 elected head of government was deposed by decree or
11 military coup shall not apply with respect to Paki-
12 stan.

13 (2) PRIOR CONSULTATION REQUIRED.—Not
14 less than 5 days prior to the obligation of funds for
15 Pakistan under paragraph (1), the President shall
16 consult with the appropriate congressional commit-
17 tees with respect to such obligation.

18 (b) FISCAL YEAR 2003.—

19 (1) WAIVER.—The President is authorized to
20 waive, with respect to Pakistan, any provision of the
21 foreign operations, export financing, and related pro-
22 grams appropriations Act for fiscal year 2003 that
23 prohibits direct assistance to a country whose duly
24 elected head of government was deposed by decree or
25 military coup, if the President determines and cer-

1 tifies to the appropriate congressional committees
2 that such waiver—

3 (A) would facilitate the transition to demo-
4 cratic rule in Pakistan; and

5 (B) is important to United States efforts
6 to respond to, deter, or prevent acts of inter-
7 national terrorism.

8 (2) PRIOR CONSULTATION REQUIRED.—Not
9 less than 5 days prior to the exercise of the waiver
10 authority under paragraph (1), the President shall
11 consult with the appropriate congressional commit-
12 tees with respect to such waiver.

13 **SEC. 2. INCREASED FLEXIBILITY IN THE EXERCISE OF**
14 **WAIVER AUTHORITY OF MTCR AND EXPORT**
15 **ADMINISTRATION ACT SANCTIONS WITH RE-**
16 **SPECT TO PAKISTAN.**

17 Any waiver under 73(e) of the Arms Export Control
18 Act (22 U.S.C. 2797b(e)), or under section 11B(b)(5) of
19 the Export Administration Act of 1979 (50 U.S.C. App.
20 2410b(b)(5)) (or successor statute), with respect to a
21 sanction that was imposed on foreign persons in Pakistan
22 prior to January 1, 2001, may be exercised—

23 (1) only after consultation with the appropriate
24 congressional committees; and

1 (2) without regard to the notification periods
 2 set forth in the respective section authorizing the
 3 waiver.

4 **SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSIST-**
 5 **ANCE PROHIBITIONS RELATING TO FOREIGN**
 6 **COUNTRY LOAN DEFAULTS.**

7 The following provisions of law shall not apply with
 8 respect to Pakistan:

9 (1) Section 620(q) of the Foreign Assistance
 10 Act of 1961 (22 U.S.C. 2370(q)).

11 (2) Such provision of the Foreign Operations,
 12 Export Financing, and Related Programs Approp-
 13 riations Act, 2002, as is comparable to section 512
 14 of the Foreign Operations, Export Financing, and
 15 Related Programs Appropriations Act, 2001 (Public
 16 Law 106–429; 114 Stat. 1900A–25).

17 **SEC. 4. MODIFICATION OF NOTIFICATION DEADLINES FOR**
 18 **DRAWDOWNS AND TRANSFER OF EXCESS DE-**
 19 **FENSE ARTICLES TO RESPOND TO, DETER,**
 20 **OR PREVENT ACTS OF INTERNATIONAL TER-**
 21 **RORISM.**

22 (a) DRAWDOWNS.—Notwithstanding the second sen-
 23 tence of section 506(b)(1) of the Foreign Assistance Act
 24 of 1961 (22 U.S.C. 2318(b)(1)), each notification under
 25 that section with respect to any drawdown authorized by

1 subclause (III) of subsection (a)(2)(A)(i) that the Presi-
 2 dent determines is important to United States efforts to
 3 respond to, deter, or prevent acts of international ter-
 4 rorism shall be made at least 5 days in advance of the
 5 drawdown in lieu of the 15-day requirement in that sec-
 6 tion.

7 (b) TRANSFERS OF EXCESS DEFENSE ARTICLES.—
 8 Notwithstanding section 516(f)(1) of the Foreign Assist-
 9 ance Act of 1961 (22 U.S.C. 2321j(f)(1)), each notifica-
 10 tion under that section with respect to any transfer of an
 11 excess defense article that the President determines is im-
 12 portant to United States efforts to respond to, deter, or
 13 prevent acts of international terrorism shall be made at
 14 least 15 days in advance of the transfer in lieu of the 30-
 15 day requirement in that section.

16 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
 17 **FINED.**

18 In this Act, the term “appropriate congressional com-
 19 mittees” means the Committee on Foreign Relations and
 20 the Committee on Appropriations of the Senate and the
 21 Committee on International Relations and the Committee
 22 on Appropriations of the House of Representatives.

1 **SEC. 6. TERMINATION DATE.**

2 Except as otherwise provided in section 1 or 3, the
3 provisions of this Act shall terminate on October 1, 2003.

Passed the Senate October 4, 2001.

Attest:

Secretary.

107TH CONGRESS
1ST SESSION

S. 1465

AN ACT

To authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.