

Calendar No. 180

107TH CONGRESS
1ST SESSION**S. 1465**

To authorize the President to provide assistance to Pakistan and India
through September 30, 2003.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2001

Mr. BROWNBACK (for himself, Mr. McCONNELL, Mr. JOHNSON, Mr. HELMS,
Mr. BIDEN, Mr. HAGEL, Mr. FRIST, Mr. WELLSTONE, Mr. TORRICELLI,
Mr. ROCKEFELLER, Mr. ALLEN, Mr. HARKIN, and Mr. KYL) introduced
the following bill; which was read twice and referred to the Committee
on Foreign Relations

OCTOBER 4, 2001

Reported by Mr. BIDEN, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To authorize the President to provide assistance to Pakistan
and India through September 30, 2003.

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. LIMITED AUTHORITY TO PROVIDE ASSISTANCE**

4 **TO PAKISTAN AND INDIA.**

5 ~~(a) AUTHORITY.—~~

1 (1) ~~IN GENERAL.~~—Notwithstanding any other
2 provision of law, the President is authorized, for
3 Pakistan and India, to provide assistance, enter into
4 contracts, take actions in international financial in-
5 stitutions, sell, lease, or authorize the export of de-
6 fense articles or defense services, authorize the ex-
7 port of dual-use items, or extend other financial as-
8 sistance, under the Foreign Assistance Act of 1961,
9 the Arms Export Control Act, the Export-Import
10 Bank Act of 1945, or any other provision of law, if
11 the President determines that it is in the national
12 interest of the United States and important to
13 United States efforts to respond to, deter, or prevent
14 acts of international terrorism.

15 (2) ~~CONGRESSIONAL NOTIFICATION RE-~~
16 ~~QUIRED.~~—The authority of this section may be exer-
17 cised only after notification to the appropriate com-
18 mittees of Congress.

19 (b) ~~STATUTORY CONSTRUCTION.~~—Nothing in this
20 section shall be construed to authorize the President to
21 provide for nuclear cooperation with India or Pakistan.

22 (c) ~~PERIOD FOR EXERCISE OF AUTHORITY.~~—The au-
23 thority of this paragraph may be exercised through Sep-
24 tember 30, 2003.

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 provi-
8 sion of such Act for a prior fiscal year, that prohibits
9 direct assistance to a country whose duly elected head
10 of government was deposed by decree or military coup
11 shall not apply with respect to Pakistan.

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

17 (b) *FISCAL YEAR 2003.*—

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

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

3 (B) is important to United States efforts to
4 respond to, deter, or prevent acts of international
5 terrorism.

6 (2) *PRIOR CONSULTATION REQUIRED.*—Not less
7 than 5 days prior to the exercise of the waiver author-
8 ity under paragraph (1), the President shall consult
9 with the appropriate congressional committees with
10 respect to such waiver.

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

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

21 (1) only after consultation with the appropriate
22 congressional committees; and

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

1 **SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSIST-**
 2 **ANCE PROHIBITIONS RELATING TO FOREIGN**
 3 **COUNTRY LOAN DEFAULTS.**

4 *The following provisions of law shall not apply with*
 5 *respect to Pakistan:*

6 *(1) Section 620(q) of the Foreign Assistance Act*
 7 *of 1961 (22 U.S.C. 2370(q)).*

8 *(2) Such provision of the Foreign Operations,*
 9 *Export Financing, and Related Programs Appropria-*
 10 *tions Act, 2002, as is comparable to section 512 of the*
 11 *Foreign Operations, Export Financing, and Related*
 12 *Programs Appropriations Act, 2001 (Public Law*
 13 *106–429; 114 Stat. 1900A–25).*

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

19 *(a) DRAWDOWNS.—Notwithstanding the second sen-*
 20 *tence of section 506(b)(1) of the Foreign Assistance Act of*
 21 *1961 (22 U.S.C. 2318(b)(1)), each notification under that*
 22 *section with respect to any drawdown authorized by sub-*
 23 *clause (III) of subsection (a)(2)(A)(i) that the President de-*
 24 *termines is important to United States efforts to respond*
 25 *to, deter, or prevent acts of international terrorism shall*

1 *be made at least 5 days in advance of the drawdown in*
 2 *lieu of the 15-day requirement in that section.*

3 (b) *TRANSFERS OF EXCESS DEFENSE ARTICLES.—*
 4 *Notwithstanding section 516(f)(1) of the Foreign Assistance*
 5 *Act of 1961 (22 U.S.C. 2321j(f)(1)), each notification under*
 6 *that section with respect to any transfer of an excess defense*
 7 *article that the President determines is important to United*
 8 *States efforts to respond to, deter, or prevent acts of inter-*
 9 *national terrorism shall be made at least 15 days in ad-*
 10 *vance of the transfer in lieu of the 30-day requirement in*
 11 *that section.*

12 **SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
 13 **FINED.**

14 *In this Act, the term “appropriate congressional com-*
 15 *mittees” means the Committee on Foreign Relations and*
 16 *the Committee on Appropriations of the Senate and the*
 17 *Committee on International Relations and the Committee*
 18 *on Appropriations of the House of Representatives.*

19 **SEC. 6. TERMINATION DATE.**

20 *Except as otherwise provided in section 1 or 3, the pro-*
 21 *visions of this Act shall terminate on October 1, 2003.*

Amend the title so as to read: “A bill to authorize the President to exercise waivers of foreign assistance restrictions with respect to Pakistan through September 30, 2003, and for other purposes.”.

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