

112TH CONGRESS
2^D SESSION

H. R. 5734

To provide compensation for the deadly acts by elements of the Pakistani military and intelligence services against United States citizens.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. ROHRBACHER introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide compensation for the deadly acts by elements of the Pakistani military and intelligence services against United States citizens.

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 “Pakistan Terrorism
5 Accountability Act of 2012”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Pakistan, through the Inter-Services Intel-
2 ligence (ISI) organization, maintains control and in-
3 fluence in Afghanistan through militant Islamic net-
4 works, such as the Haqqani Network, in order to se-
5 cure its strategic position and expand its sphere of
6 influence, not only in Afghanistan, but also in Kash-
7 mir and against India.

8 (2) A 2011 report published by the Combating
9 Terrorism Center at West Point states that during
10 the 1980s: “[T]he Pakistani state has long been a
11 core sponsor and beneficiary of the Haqqani net-
12 work. During the 1980s Jalaluddin [Haqqani]
13 quickly rose to be one of the ISI’s most favored field
14 commanders and the support he provided would have
15 a significant impact upon Pakistan’s security estab-
16 lishment and the jihad in Kashmir in the years to
17 follow . . . Yet, Pakistan’s favored Afghan proxy is
18 also the very same actor that has served as al-
19 Qaida’s primary local enabler for over two decades.
20 Given the ISI’s historical sponsorship of the
21 Haqqani network, it is highly unlikely that Pakistan
22 has not been aware of this history.”.

23 (3) The Government of Pakistan, including the
24 ISI Directorate, has long supported the Haqqani
25 Network, including by supporting the following:

1 (A) Attacks on the United States Embassy
2 in Kabul and NATO Headquarters on Sep-
3 tember 12, 2011.

4 (B) Attack on the Combat Post Sayed
5 Abad, Wardak Province, Afghanistan, on Sep-
6 tember 10, 2011.

7 (C) Attack on the Hotel-Intercontinental
8 Kabul on June 28, 2011.

9 (D) Attack on the Kabul Bank on Feb-
10 ruary 19, 2011.

11 (E) Continued attacks on United States-
12 funded road construction projects across Af-
13 ghanistan.

14 (F) Attack on Forward Operating Base
15 Chapman on December 30, 2009.

16 (G) Attack on Forward Operating Base
17 Salerno on May 13, 2009.

18 (H) Attack on the Khost Governor's office
19 on May 12, 2009.

20 (I) Attack on Forward Operating Base
21 Salerno on May 13, 2009.

22 (J) Attacks on the Afghan Ministries of
23 Justice, Education, and Prison Directorate on
24 February 11, 2009.

1 (K) Attack on the Germany Embassy in
2 Kabul in January 2009.

3 (L) Attack on Afghan Intelligence Head-
4 quarters, Khost, in December 2008.

5 (M) Kidnapping of journalist David Rohde
6 on November 10, 2008.

7 (N) Bombing of the Indian Embassy in
8 Kabul on July 7, 2008.

9 (O) Assassination attempt on Hamid
10 Karzai on April 27, 2008.

11 (P) Kidnapping of British journalist Sean
12 Langan in March 2008.

13 (Q) Attack on Sabari district center in
14 Khost on March 3, 2008.

15 (R) Attack on Kabul Serena Hotel on Jan-
16 uary 14, 2008.

17 (4) On September 17, 2011, the Voice of Amer-
18 ica reported that “The United States has suspected
19 Pakistan’s intelligence agency has ties to the
20 Haqqani network and other militant groups in Af-
21 ghanistan but rarely says so publicly. The U.S. and
22 NATO have blamed the Haqqani network for at-
23 tacks on U.S. and NATO troops and on U.S. tar-
24 gets, including the September 13 strike against the
25 U.S. Embassy in Kabul.”.

1 (5) Former Chairman of the Joint Chiefs of
2 Staff, Admiral Mike Mullen, stated that “with ISI
3 support, Haqqani operatives planned and conducted
4 that truck bomb attack, as well as the assault on
5 our embassy [in September 2011] . . . We also have
6 credible evidence that they were behind the June
7 28th attack against the Inter-Continental Hotel in
8 Kabul and a host of other smaller but effective oper-
9 ations.”. Mullen continued “the Haqqani network
10 acts as a veritable arm of Pakistan’s Inter-Services
11 Intelligence agency.”.

12 (6) Admiral Mike Mullen was quoted in Dawn,
13 a major English language newspaper in Pakistan,
14 that “It’s fairly well known that the ISI has a long-
15 standing relationship with the Haqqani network . . .
16 Haqqani is supporting, funding, training fighters
17 that are killing Americans and killing coalition part-
18 ners.”.

19 (7) On April 19, 2012, the Associated Press re-
20 ported that the United States Ambassador to Af-
21 ghanistan, Ryan Crocker, stated that there is “no
22 question” that the Haqqani network was behind this
23 week’s brazen attacks on Kabul and other eastern
24 cities and said Pakistan needs to do more to clamp
25 down on the group’s safe havens and that “There is

1 no question in our mind that the Haqqanis were re-
2 sponsible for these attacks.”. Crocker also stated
3 that “We know where their leadership lives and we
4 know where these plans are made. They’re not made
5 in Afghanistan. They’re made in Miram Shah, which
6 is in North Waziristan, which is in Pakistan.”.

7 **SEC. 3. STATEMENT OF POLICY.**

8 It shall be the policy of the United States to limit
9 United States foreign assistance to Pakistan if Pakistan’s
10 military or intelligence services continue to support or pro-
11 vide assistance to organizations that target United States
12 citizens.

13 **SEC. 4. LIMITATION ON UNITED STATES FOREIGN ASSIST-**
14 **ANCE TO PAKISTAN.**

15 (a) LIMITATION.—Of the amounts made available for
16 assistance to Pakistan for fiscal year 2013 or any subse-
17 quent fiscal year, the President shall withhold
18 \$50,000,000 for each United States citizen who is killed
19 as a result of actions of Pakistan’s Inter-Services Intel-
20 ligence (ISI) or support provided by the ISI to other orga-
21 nizations or individuals, including the Haqqani Network.

22 (b) CERTIFICATION.—The Secretary of Defense shall,
23 not later than the first day of each month of the fiscal
24 years described in subsection (a), certify to Congress the
25 number of United States citizens who, during the imme-

1 diately preceding month, have been killed as a result of
2 actions or support described in subsection (a).

3 (c) FUND.—Amounts withheld pursuant to sub-
4 section (a) shall, notwithstanding any other provision of
5 law, be administered by the Department of Defense and
6 made available on an equitable basis to provide payments
7 to survivors of United States citizens described in sub-
8 section (a).

○