Mr. BROWNBACK (for himself, Mr. McCONNELL, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

OCTOBER _____ (legislative day, __________), 2001

Reported by Mr. BIDEN, from the Committee on Foreign Relations, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2001

A BILL

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

Be it enacted by the Senate and House of Representa-

ives of the United States of America in Congress assembled,
SECTION 1. LIMITED AUTHORITY TO PROVIDE ASSISTANCE TO PAKISTAN AND INDIA.

(a) Authority.—

(1) In general.—Notwithstanding any other provision of law, the President is authorized, for Pakistan and India, to provide assistance, enter into contracts, take actions in international financial institutions, sell, lease, or authorize the export of defense articles or defense services, authorize the export of dual-use items, or extend other financial assistance, under the Foreign Assistance Act of 1961, the Arms Export Control Act, the Export-Import Bank Act of 1945, or any other provision of law, if the President determines that it is in the national interest of the United States and important to United States efforts to respond to, deter, or prevent acts of international terrorism.

(2) Congressional notification required.—The authority of this section may be exercised only after notification to the appropriate committees of Congress.

(b) Statutory construction.—Nothing in this section shall be construed to authorize the President to provide for nuclear cooperation with India or Pakistan.
(a) Period for Exercise of Authority.—The authority of this paragraph may be exercised through September 30, 2003.

SECTION 1. EXEMPTIONS AND WAIVER OF APPROPRIATIONS ACT PROHIBITIONS WITH RESPECT TO PAKISTAN.

(a) Fiscal Year 2002 and Prior Fiscal Years.—

(1) Exemptions.—Any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2002, or any provision of such Act for a prior fiscal year, that prohibits direct assistance to a country whose duly elected head of government was deposed by decree or military coup shall not apply with respect to Pakistan.

(2) Prior Consultation Required.—Not less than 5 days prior to the obligation of funds for Pakistan under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such obligation.

(b) Fiscal Year 2003.—

(1) Waiver.—The President is authorized to waive, with respect to Pakistan, any provision of the foreign operations, export financing, and related programs appropriations Act for fiscal year 2003 that prohibits direct assistance to a country whose duly
elected head of government was deposed by decree or military coup, if the President determines and certifies to the appropriate congressional committees that such waiver—

(A) would facilitate the transition to democratic rule in Pakistan; and

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

(2) Prior consultation required.—Not less than 5 days prior to the exercise of the waiver authority under paragraph (1), the President shall consult with the appropriate congressional committees with respect to such waiver.

SEC. 2. INCREASED FLEXIBILITY IN THE EXERCISE OF WAIVER AUTHORITY OF MTCR AND EXPORT ADMINISTRATION ACT SANCTIONS WITH RESPECT TO PAKISTAN.

In the exercise of any waiver under 73(e) of the Arms Export Control Act (22 U.S.C. 2797b(e)), or under section 11B(b)(5) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(b)(5)) (or successor statute), with respect to a sanction that was imposed on foreign persons in Pakistan prior to January 1, 2001, the President may exercise the waiver—
(1) after consultation with the appropriate congressional committees; and

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

SEC. 3. EXEMPTION OF PAKISTAN FROM FOREIGN ASSISTANCE PROHIBITIONS RELATING TO FOREIGN COUNTRY LOAN DEFAULTS.

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

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


SEC. 4. MODIFICATION OF NOTIFICATION DEADLINES FOR DRAWDOWNS AND TRANSFER OF EXCESS DEFENSE ARTICLES TO RESPOND TO, DETER, OR PREVENT ACTS OF INTERNATIONAL TERRORISM.

(a) DRAWDOWNS.—Notwithstanding the second sentence of section 506(b)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(b)(1)), each notification under that
section with respect to any drawdown authorized by sub-
clause (III) of subsection (a)(2)(A)(i) that the President de-
dtermines is important to United States efforts to respond
to, deter, or prevent acts of international terrorism shall
be made at least 5 days in advance of the drawdown in
lieu of the 15-day requirement in that section.

(b) Transfers of Excess Defense Articles.—
Notwithstanding section 516(f)(1) of the Foreign Assistance
Act of 1961 (22 U.S.C. 2321j(f)(1)), each notification under
that section with respect to any transfer of an excess defense
article that the President determines is important to United
States efforts to respond to, deter, or prevent acts of inter-
national terrorism shall be made at least 15 days in ad-
ance of the transfer in lieu of the 30-day requirement in
that section.

SEC. 5. APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.

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

SEC. 6. TERMINATION DATE.

Except as otherwise provided in section 1 or 3, the pro-
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.”