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# H. R. 5734

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

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IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. ROHRABACHER 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

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# A BILL

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Pakistan Terrorism Accountability Act of 2012''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Pakistan, through the Inter-Services Intelligence (ISI) organization, maintains control and influence in Afghanistan through militant Islamic networks, such as the Haqqani Network, in order to secure its strategic position and expand its sphere of influence, not only in Afghanistan, but also in Kashmir and against India.

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

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

(A) Attacks on the United States Embassy in Kabul and NATO Headquarters on September 12, 2011.

(B) Attack on the Combat Post Sayed Abad, Wardak Province, Afghanistan, on September 10, 2011.

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

(D) Attack on the Kabul Bank on February 19, 2011.

(E) Continued attacks on United States-funded road construction projects across Afghanistan.

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

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

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

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

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

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

(L) Attack on Afghan Intelligence Headquarters, Khost, in December 2008.

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

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

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

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

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

(R) Attack on Kabul Serena Hotel on January 14, 2008.

(4) On September 17, 2011, the Voice of America reported that ''The United States has suspected Pakistan's intelligence agency has ties to the Haqqani network and other militant groups in Afghanistan but rarely says so publicly. The U.S. and NATO have blamed the Haqqani network for attacks on U.S. and NATO troops and on U.S. targets, including the September 13 strike against the U.S. Embassy in Kabul.''.

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

(6) Admiral Mike Mullen was quoted in Dawn, a major English language newspaper in Pakistan, that ''It's fairly well known that the ISI has a long-standing relationship with the Haqqani network . . . Haqqani is supporting, funding, training fighters that are killing Americans and killing coalition partners.''.

(7) On April 19, 2012, the Associated Press reported that the United States Ambassador to Afghanistan, Ryan Crocker, stated that there is ''no question'' that the Haqqani network was behind this week's brazen attacks on Kabul and other eastern cities and said Pakistan needs to do more to clamp down on the group's safe havens and that ''There is

no question in our mind that the Haqqanis were responsible for these attacks.''. Crocker also stated that ''We know where their leadership lives and we know where these plans are made. They're not made in Afghanistan. They're made in Miram Shah, which is in North Waziristan, which is in Pakistan.''.

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

It shall be the policy of the United States to limit United States foreign assistance to Pakistan if Pakistan's military or intelligence services continue to support or provide assistance to organizations that target United States citizens.

**SEC. 4. LIMITATION ON UNITED STATES FOREIGN ASSISTANCE TO PAKISTAN.**

(a) LIMITATION.—Of the amounts made available for assistance to Pakistan for fiscal year 2013 or any subsequent fiscal year, the President shall withhold $50,000,000 for each United States citizen who is killed as a result of actions of Pakistan's Inter-Services Intelligence (ISI) or support provided by the ISI to other organizations or individuals, including the Haqqani Network.

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

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

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

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