

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

### ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1707) to authorize appropriations for fiscal years 2010 through 2014 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1707

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

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Enhanced Partnership with Pakistan Act of 2009”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Statement of principles.

#### TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN

- Sec. 101. Authorization of assistance.
- Sec. 102. Authorization of appropriations.
- Sec. 103. Auditing.

#### TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

- Sec. 201. Purposes of assistance.
- Sec. 202. Authorization of assistance.
- Sec. 203. Limitations on certain assistance.
- Sec. 204. Pakistan Counterinsurgency Capability Fund.
- Sec. 205. Requirements for civilian control of certain assistance.

#### TITLE III—STRATEGY, ACCOUNT- ABILITY, MONITORING, AND OTHER PROVISIONS

- Sec. 301. Strategy Reports.
- Sec. 302. Monitoring Reports.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

(2) COUNTERINSURGENCY.—The term “counterinsurgency” means efforts to defeat organized movements that seek to overthrow the duly constituted Governments of Pakistan and Afghanistan through violent means.

(3) COUNTERTERRORISM.—The term “counterterrorism” means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

(4) FATA.—The term “FATA” means the Federally Administered Tribal Areas of Pakistan.

(5) FRONTIER CRIMES REGULATION.—The term “Frontier Crimes Regulation” means

the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) IMPACT EVALUATION RESEARCH.—The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) MAJOR DEFENSE EQUIPMENT.—The term “major defense equipment” has the meaning given the term in section 47(6) of the Arms Export Control Act (22 U.S.C. 2794(6)).

(8) NWFP.—The term “NWFP” means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(9) OPERATIONS RESEARCH.—The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) SECURITY FORCES OF PAKISTAN.—The term “security forces of Pakistan” means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) SECURITY-RELATED ASSISTANCE.—The term “security-related assistance”—

(A) means—

(i) grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(ii) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et. seq); but

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32).

#### SEC. 3. FINDINGS.

Congress finds the following:

(1) The people of the Islamic Republic of Pakistan and the United States share a long history of friendship and comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) Since 2001, the United States has contributed more than \$15,000,000,000 to Pakistan, of which more than \$10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan’s own democratic reform and political development.

(4) Pakistan is a major non-NATO ally of the United States and has been a valuable partner in the battle against al Qaeda and the Taliban, but much more remains to be accomplished by both nations.

(5) The struggle against al Qaeda, the Taliban, and affiliated terrorist groups has led to the deaths of several thousand Pakistani civilians and members of the security forces of Pakistan over the past seven years.

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as

Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terrikhe Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan’s security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, “Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan.”

(9) According to a Government Accountability Office report (GAO–08–622), “since 2003, the [A]dministration’s national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA” and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with ⅓ of the population living on less than \$2 a day and ⅓ of the population living below the poverty line according to the United Nations Development Program.

(11) Economic growth is a fundamental foundation for human security and national stability in Pakistan, a country with more than 175,000,000 people, an annual population growth rate of two percent, and a ranking of 136 out of 177 countries in the United Nations Human Development Index.

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.

#### SEC. 4. STATEMENT OF PRINCIPLES.

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan’s own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan’s struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including

the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan's parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children's futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan's efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for "Financial Action Task Force" observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan's counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan's efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

(L) to achieve full cooperation in matters of counter-proliferation of nuclear materials and related networks;

(M) to strengthen Pakistan's efforts to gain control of its under-governed areas and address the threat posed by any person or group that conducts violence, sabotage, or other terrorist activities in Pakistan or its neighboring countries; and

(N) to explore means to consult with and utilize the relevant expertise and skills of the Pakistani-American community.

# **TITLE I—DEMOCRATIC, ECONOMIC, AND DEVELOPMENT ASSISTANCE FOR PAKISTAN**

## **SEC. 101. AUTHORIZATION OF ASSISTANCE.**

(a) IN GENERAL.—The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights;

(3) to promote economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) ACTIVITIES SUPPORTED.—Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan's institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan's efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and

other small-scale infrastructure improvements;

(C) investments in energy, including energy generation and cross-border infrastructure projects with Afghanistan;

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

(E) worker rights, including the right to form labor unions and legally enforce provisions safeguarding the rights of workers and local community stakeholders;

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women's literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

(c) ADDITIONAL AND RELATED ACTIVITIES.—

(1) AVAILABILITY OF AMOUNTS FOR PAKISTANI POLICE PROFESSIONALIZATION, EQUIPPING, AND TRAINING.—Not less than \$150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 102 should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) AVAILABILITY OF AMOUNTS FOR ADMINISTRATIVE EXPENSES.—Up to \$10,000,000 of the amounts appropriated for each fiscal year

pursuant to the authorization of appropriations under section 102 may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) **UTILIZING PAKISTANI ORGANIZATIONS.**—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) **USE OF DIRECT EXPENDITURES.**—Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102 or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) **CHIEF OF MISSION FUND.**—Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 102, up to \$5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this title or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this section, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the “Chief of Mission Fund”.

(6) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this title.

(d) **NOTIFICATION.**—For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

#### **SEC. 102. AUTHORIZATION OF APPROPRIATIONS.**

(a) **IN GENERAL.**—There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this title and to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to \$1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) **AVAILABILITY OF FUNDS.**—

(1) **IN GENERAL.**—Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after the date of the enactment of this Act unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 301(a); and

(B) not more than \$750,000,000 may be made available for assistance to Pakistan unless the President's Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during such fiscal year—

(i) a certification that assistance provided to Pakistan under this title or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

(ii) a memorandum explaining the reasons justifying the certification described in clause (i).

(2) **MAKER OF CERTIFICATION.**—In the event of a vacancy in, or the termination of, the position of the President's Special Representative to Afghanistan and Pakistan, the certification and memorandum described under paragraph (1)(B) may be made by the Secretary of State.

(c) **WAIVER.**—The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) **SENSE OF CONGRESS ON FOREIGN ASSISTANCE FUNDS.**—It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to \$1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961.

#### **SEC. 103. AUDITING.**

(a) **ASSISTANCE AUTHORIZED.**—The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this title shall audit, investigate, and oversee the obligation and expenditure of such amounts.

(b) **AUTHORIZATION FOR IN-COUNTRY PRESENCE.**—The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated under section 102 for each of the fiscal years 2010 through 2014, up to \$30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) **RELATION TO OTHER AVAILABLE FUNDS.**—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

### **TITLE II—SECURITY ASSISTANCE FOR PAKISTAN**

#### **SEC. 201. PURPOSES OF ASSISTANCE.**

The purposes of assistance under this title are—

(1) to support Pakistan's paramount national security need to fight and win the on-

going counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

#### **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

(a) **INTERNATIONAL MILITARY EDUCATION AND TRAINING.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training) for Pakistan, including expanded international military education and training (commonly known as “E-IMET”).

(2) **USE OF FUNDS.**—It is the sense of Congress that a substantial amount of funds made available to carry out this subsection for a fiscal year should be used to pay for courses of study and training in counterinsurgency and civil-military relations.

(b) **FOREIGN MILITARY FINANCING PROGRAM.**—

(1) **IN GENERAL.**—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program) for the purchase of defense articles, defense services, and military education and training for Pakistan.

(2) **USE OF FUNDS.**—

(A) **IN GENERAL.**—A significant portion of the amount made available to carry out this subsection for a fiscal year shall be for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan.

(B) **SENSE OF CONGRESS.**—It is the sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A).

(3) **ADDITIONAL AUTHORITY.**—Except as provided in sections 3 and 102 of the Arms Export Control Act, the second section 620J of the Foreign Assistance Act of 1961 (as added by Public Law 110-161), and any provision of an Act making appropriations for the Department of State, foreign operations, and related programs that restricts assistance to the government of any country whose duly elected head of government is deposed by military coup or decree, and except as otherwise provided in this title, amounts authorized to be made available to carry out paragraph (2) for fiscal years 2010 and 2011 are authorized to be made available notwithstanding any other provision of law.

(4) **DEFINITIONS.**—In this section, the terms “defense articles”, “defense services”, and “military education and training” have the meaning given such terms in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403).

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance,

including through Pakistan's military as appropriate, in areas damaged by combat operations.

(d) EXCHANGE PROGRAM BETWEEN MILITARY AND CIVILIAN PERSONNEL OF PAKISTAN AND CERTAIN OTHER COUNTRIES.—

(1) IN GENERAL.—The Secretary of State is authorized to establish an exchange program between—

(A) military and civilian personnel of Pakistan; and

(B)(i) military and civilian personnel of countries determined by the Secretary of State to be in the process of consolidating and strengthening a democratic form of government; or

(ii) military and civilian personnel of North Atlantic Treaty Organization member countries,

in order to foster greater mutual respect for and understanding of the principle of civilian rule of the military.

(2) ELEMENTS OF PROGRAM.—The program authorized under paragraph (1) may include conferences, seminars, exchanges, and other events, distribution of publications and reimbursements of expenses of foreign military personnel participating in the program, including transportation, translation and administrative expenses.

(3) ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—Amounts authorized to be appropriated to carry out this section for a fiscal year are authorized to be made available for nongovernmental organizations to facilitate the implementation of the program authorized under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 to carry out the program established by this subsection.

#### SEC. 203. LIMITATIONS ON CERTAIN ASSISTANCE.

(a) LIMITATION ON SECURITY-RELATED ASSISTANCE.—For fiscal years 2011 through 2014, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(b) LIMITATION ON ARMS TRANSFERS.—For fiscal years 2012 through 2014, no letter of offer to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) CERTIFICATION.—The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;

(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 201, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—

(A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist

groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;

(B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and

(C) strengthening counterterrorism and anti-money laundering laws; and

(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) CERTAIN PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to—

(A) the Letter of Offer and Acceptance PK-D-YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006;

(B) the Letter of Offer and Acceptance PK-D-NAP signed between the Governments of the United States of America and Pakistan on September 30, 2006; and

(C) the Letter of Offer and Acceptance PK-D-SAF signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) EXCEPTION.—Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) WAIVER.—

(1) IN GENERAL.—The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) PRIOR NOTICE OF WAIVER.—The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue to waive and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

#### SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND.

(a) FOR FISCAL YEAR 2010.—

(1) IN GENERAL.—For fiscal year 2010, the Department of State's Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), hereinafter in this

section referred to as the “Fund”, shall consist of the following:

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out title I of this Act).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) PURPOSES OF FUND.—Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) TRANSFER AUTHORITY.—

(A) IN GENERAL.—The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) TREATMENT OF TRANSFERRED FUNDS.—Subject to subsections (d) and (e) of section 203, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense's Pakistan Counterinsurgency Fund.

(C) RELATION TO OTHER AUTHORITIES.—The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) NOTIFICATION.—The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees in writing of the details of any such transfer.

(b) SUBMISSION OF NOTIFICATIONS.—Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

#### SEC. 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE.

(a) REQUIREMENTS.—

(1) IN GENERAL.—For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) DOCUMENTATION.—For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) WAIVER.—

(1) **SECURITY-RELATED ASSISTANCE.**—The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of subsection (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) **NON-ASSISTANCE PAYMENTS.**—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) **APPLICATION TO CERTAIN ACTIVITIES.**—Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that subsequent to the termination of assistance or payments a democratically elected government has taken office;

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as amended;

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and

(6) any assistance or payments made pursuant to section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578).

(d) **DEFINITIONS.**—In this section—

(1) the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term “civilian government of Pakistan” does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.

### **TITLE III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS**

#### **SEC. 301. STRATEGY REPORTS.**

(a) **PAKISTAN ASSISTANCE STRATEGY REPORT.**—Not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this Act. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under title I of this Act.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation re-

search for assistance authorized under title I of this Act.

(4) A description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement programs and projects for which assistance is to be provided under this Act, and of consultations with such representatives in developing the strategy.

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this Act is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this Act, broken down into the following categories as described in the annual “Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance”:

- (A) Civil liberties.
- (B) Political rights.
- (C) Voice and accountability.
- (D) Government effectiveness.
- (E) Rule of law.
- (F) Control of corruption.
- (G) Immunization rates.
- (H) Public expenditure on health.
- (I) Girls’ primary education completion rate.
- (J) Public expenditure on primary education.
- (K) Natural resource management.
- (L) Business start-up.
- (M) Land rights and access.
- (N) Trade policy.
- (O) Regulatory quality.
- (P) Inflation control.
- (Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

#### **(b) COMPREHENSIVE REGIONAL STRATEGY REPORT.**

(1) **SENSE OF CONGRESS.**—It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan’s long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) **COMPREHENSIVE REGIONAL SECURITY STRATEGY.**—The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and close safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

#### **(3) REPORT.**

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) **CONTENTS.**—The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this paragraph, the term

“appropriate congressional committees” means—

(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) **SECURITY-RELATED ASSISTANCE PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 204.

#### **SEC. 302. MONITORING REPORTS.**

(a) **SEMI-ANNUAL MONITORING REPORT.**—Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this Act during the preceding 180-day period. The report shall include—

(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to title I of this Act during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;

(2) a list of persons or entities from the United States or other countries that have received funds in excess of \$100,000 to conduct projects under title I of this Act during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(3) with respect to the plan described in section 301(a)(3), updates to such plan and a description of best practices to improve the impact of the assistance authorized under title I of this Act;

(4) an assessment of the effectiveness of assistance provided under title I of this Act during the period covered by the report in achieving desired objectives and outcomes as guided by the plan described in section 301(a)(3), and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;

(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;

(7) any incidents or reports of waste, fraud, and abuse of expenditures under title I of this Act;

(8) the amount of funds authorized to be appropriated pursuant to section 102 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 101(c)(2) and 103;

(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 101(c)(5) during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of \$100,000;

(10) an accounting of assistance provided to Pakistan under title I of this Act, broken down into the categories set forth in section 301(a)(6);

(11) an evaluation of efforts undertaken by the Government of Pakistan to—

(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;

(B) eliminate the safe havens of such forces in Pakistan;

(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;

(D) cease all support for extremist and terrorist groups;

(E) prevent attacks into neighboring countries;

(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and

(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan's efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan's financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 202(b) meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.—

(1) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 301(a), the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

(A) a review of, and comments addressing, the Pakistan Assistance Strategy Report;

(B) recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of this Act;

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act (22 U.S.C. 2763; relating to the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) CERTIFICATION REPORT.—Not later than 120 days after the date on which the President makes the certification described in section 203(c) for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) SUBMISSION.—The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1906 and 1907).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 3 minutes.

I rise in strong support of the bill. The United States has an enormous stake in the security and stability of Pakistan. We can't allow al Qaeda or any other terrorist group that threatens our national security interests to operate with impunity in the tribal regions or any other part of Pakistan, nor can we permit the Pakistani state and its nuclear arsenal to be taken over by the Taliban.

To help prevent this nightmare scenario, we need to forge a true strategic partnership with Pakistan and its people, strengthen Pakistan's democratic government, and work to make Pakistan a source of stability in a volatile region.

I'm pleased to bring to the floor S. 1707, the Enhanced Partnership With Pakistan Act of 2009, a bicameral, bipartisan compromise between H.R. 1886 and the original Senate version of this legislation. As in the House bill we passed in June, S. 1707 provides funding to strengthen the capacity of Pakistan's democratic institutions, including its Parliament, judicial system and law enforcement agencies. It calls for increased assistance to Pakistan's public education system with an emphasis on access for women and girls.

S. 1707 also provides critical security assistance to help the Government of

Pakistan in its fight against the extremists that threaten the national security of both Pakistan and the United States. Finally, the compromise text requires that beginning in fiscal year 2011, military assistance may only be provided to Pakistan if the President determines that the Government of Pakistan is continuing to cooperate with the United States in preventing a proliferation of weapons of mass destruction and has both demonstrated a sustained commitment to combating terrorist groups and has made significant efforts towards that end.

Mr. Speaker, I would like to quote from the letter from Secretary of Defense Gates and Admiral Mullen in reference to this legislation. This is a letter sent last Friday: “This bill would support U.S. national security interests in Afghanistan and Pakistan. The Department of Defense strongly supports moving this bill to final passage by the House and Senate as expeditiously as possible.” Or as Secretary Clinton said just yesterday, this bill “will be an essential tool in support of our national security interests.”

I want to congratulate Senators KERRY and LUGAR, the sponsors of this bill, for their hard work and determination in passing it. And I thank them for the open and cooperative spirit that they and their staff showed in crafting this bicameral, bipartisan compromise. I also want to thank my good friend from Illinois (Mr. KIRK) and my good friend from my home State of California (Mr. ROYCE) for their support in crafting this legislation and supporting the compromise. I particularly want to thank the ranking member of the committee, Ms. ROS-LEHTINEN, for her contributions and her help in reaching this point in passing this legislation.

Following is an explanation of the S. 1707, the Enhanced Partnership with Pakistan Act of 2009. The text reflects an agreement reached by the House Committee on Foreign Affairs and the Senate Committee on Foreign Relations on the text of S. 962, based on the text contained in the bill as passed by the Senate, and the text of H.R. 1886, as contained in titles I to III of Division B of H.R. 2410 and passed by the House of Representatives.

#### SUMMARY

S. 1707, the Enhanced Partnership with Pakistan Act of 2009, establishes a legislative foundation for a sustained partnership between the United States and Pakistan, based on a shared commitment to strengthening democracy and the rule of law, improving the living conditions of the people of Pakistan through sustainable economic development, and combating terrorism and violent extremism. S. 962 seeks to transform the relationship between the United States and Pakistan into a deeper, broader, long-term strategic engagement. The legislation aims to properly balance the relationship between United States and Pakistan by acknowledging and supporting the national security interests of the United States as well as Pakistan's economic and geopolitical interests. United States assistance for Pakistan enhances our mutual security while helping to build economic and political stability in a country that is both regionally and strategically important. Economic assistance is as



critical an element to stabilizing Pakistan as strengthening the capacity of the Pakistan military to counter terrorism, especially for projects that provide direct and concrete benefit to Pakistani citizens as a whole. The overall level of economic assistance authorized would be raised substantially by this legislation, with the bulk of this aid intended for projects such as schools, roads, medical clinics, and infrastructure development.

#### SECTION-BY-SECTION ANALYSIS

##### SEC. 1. SHORT TITLE; TABLE OF CONTENTS

The Amendment maintains the title of S. 962 as the Enhanced Partnership with Pakistan Act of 2009 and contains an amended table of contents.

##### SEC. 2. DEFINITIONS

Section 2 contains definitions for the Act, drawing from provisions in both S. 962 and Division B of H.R. 2410.

##### SEC. 3. FINDINGS

Section 3 combines findings from both S. 962 and Division B of H.R. 2410.

##### SEC. 4. STATEMENT OF PRINCIPLES

Section 4 maintains the structure of Division B of H.R. 2410's Section 4, Declaration of Principles, and draws upon S. 962's Statement of Policy. The Section is intended to describe the principles for which the U.S.-Pakistan relationship is governed. It includes the expectations of Congress with regard to the bilateral relationship.

#### Title I—Democratic, Economic, and Development Assistance for Pakistan

##### SEC. 101. PURPOSES OF ASSISTANCE

Subsection (a) provides for the purposes of assistance until title I. The central purpose of assistance under title I is to demonstrate unequivocally the long-term commitment of the United States to the people of Pakistan. The specific purposes in section 101 draw from both S. 962 and Division B of H.R. 2410: (1) to support the consolidation of democratic institutions; (2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally-recognized human rights, including building the capacity of law enforcement forces in Pakistan to combat terrorism and violent militancy and expeditiously investigate, arrest, and prosecute alleged criminals, consistent with the rule of law and due process; (3) to promote economic freedoms and sustainable economic development in order to improve the living conditions of the people of Pakistan, especially in areas of direct interest and importance to their daily lives and to strengthen regional ties by offering assistance for issues of mutual and social concern; (4) to support investments in people, including increasing literacy, expanding opportunities for vocational training as well as broad-based general baccalaureate education, helping achieve an appropriate national curriculum for schools across Pakistan, increasing access to basic health care, including services for women to address Pakistan's high maternal mortality rates, providing assistance to those displaced in ongoing counterinsurgency operations; and (5) to strengthen public diplomacy, including expanding people-to-people engagement between the United States and Pakistan through increased educational, technical, and cultural exchanges and other methods.

Subsection (b) includes further detail regarding programs which Congress believes should be implemented to satisfy the purposes described in subsection (a). In the area of fortifying democratic institutions, programs should include support for the establishment of constituency offices and support for efforts by the Government of Pakistan to

promote local experimentation with methods of transition from the Frontier Crimes Regulation, considered outdated by most Pakistanis, to other governing codes. In the area of enhancement and strengthening of the judicial system and law enforcement, programs should include support for a more responsive and sufficiently staffed bench and professional training of judges, public defenders, and prosecutors; support for strengthening the role of civilian law enforcement agencies, such as the Intelligence Bureau in the Ministry of Interior, with enhanced coordination with judicial processes, enhanced forensics capability, data collection and analysis, financial intelligence functions, and maintenance of data systems to track terrorist or criminal activity; support for the development of an elite rapid reaction police force; and support for the improving counterterrorism and counterinsurgency coordination between local government officials, the police, paramilitary, and military leaders.

In the area of support to increase local capacity, programs should include support to governmental institutions at all levels through providing technical assistance to all ministries to improve transparency and the ability to respond to the needs of the people of Pakistan; support for the promotion of fiscal and personnel management, including revenue tracking and expenditure systems; support for training and education to local nongovernmental and civil society organizations on ways to identify and improve the delivery of services to the people of Pakistan; and support for promoting local ownership and participation, including encouraging communities to contribute a percentage of the value of United States projects and activities carried out under this title in the form of labor, in-kind materials, or other provisions.

In the area of supporting economic freedom and economic development and supporting investments in people, the Department of State should work with the Department of Labor to provide educational remediation to victims of the worst forms of child labor. In addition, programs on microfinance and microenterprise activities should include programs to improve the lives of women aimed at addressing the root causes of exploitative child labor and to enable their children to attend school.

In the area of public education more generally, programs should include support for schools that incorporate basic subjects, such as math, science, literature, and history; important additional training in human rights awareness, and where appropriate basic agricultural education and training as well as support for civic education programs focused on political participation, democratic governance and institutions, and tolerance of diverse ethnic and religious groups; where appropriate funding to the Government of Pakistan to use to improve teacher salaries and to recruit and train teachers and administrators, as well as develop formalized salary scales with merit-based increases; construction and maintenance of libraries and public schools, including water and sanitation, perimeter walls where necessary, and consideration for recreation areas; provision of textbooks and other learning materials as well as food assistance for student meals where warranted; and provision of software to educational institutions and students at the lowest possible cost, specifically targeting universities that specialize in information technology, liberal arts, and women's colleges and women's secondary schools. It is intended that programs continue to enable and expand institutions of higher education in partnership with the Pakistan government and other private-public partnerships,

specifically for non-sectarian, co-educational institutions such as Forman College in Lahore. It is further intended that an assessment of American Universities abroad be made to determine the value and opportunity for such an institution in Pakistan at this time.

In the areas of support for human rights, programs should include support for programs designed to end traditional practices and punishments that are inconsistent with internationally recognized human rights' norms and protections, such as honor killings and other forms of cruel and unusual punishments; and technical, legal, and law enforcement assistance for the investigation of past disappearances of individuals in Pakistan and the development of national database of such individuals. In the area of support for healthcare efforts, programs should include support for the repairing and building of healthcare infrastructure, including purchase of equipment and training of health professionals, to ensure adequate access to healthcare for Pakistan's population, especially among poor, marginalized, and disadvantaged segments; and promotion of efforts by the Government of Pakistan to reduce maternal mortality, including through the provision of maternal and newborn health services and development of community-based skilled birth attendants.

Subsection (c) provides that no less than \$150,000,000 should be made available for police professionalization, equipping, and training for fiscal year 2010; authorizes up to \$10,000,000 for each fiscal year for administrative expenses of civilian department and agencies in the U.S. Government in connection with title I assistance; encourages the President to use Pakistani organizations, including the use of host country contracts, to work with local leaders to provide assistance associated with this section; requires direct expenditures be paramount in providing assistance; provides that a Chief of Mission Fund of up to \$5,000,000 for each fiscal year may be made available to address the urgent needs or opportunities on the ground, as determined by the Secretary of State; and expresses the Sense of Congress that counterinsurgency operations being carried out by the Government of Pakistan should be designed to minimize civilian casualties and collateral damage to the people of Pakistan and to provide security for the delivery of humanitarian assistance to the affected population, that the Administrator of the United States Agency for International Development should support the development objectives, and that the United States should have a coordinated strategic communications strategy.

Subsection (d) mandates the President to notify Congress no later than 15 days before obligating any assistance under title I to budget support.

#### SECTION 102. AUTHORIZATION OF APPROPRIATIONS

Subsection (a) authorizes \$1,500,000,000 of assistance to Pakistan for fiscal years 2010 through 2014.

Subsection (b) restricts the availability of such funds to the submission of the Pakistan Assistance Strategy Report no later than 60 days after the enactment of this Act to Congress. It further restricts that no more than \$750,000,000 of the amounts appropriated pursuant to the authorization in subsection (a) may be available each year thereafter until the President's Special Representative to Afghanistan and Pakistan certifies that there is reasonable progress achieved in the principal objectives of the United States assistance, as outlined in the Pakistan Assistance Strategy Report.

Subsection (c) allows the Secretary of State to waive the limitations of subsection

(b) if the Secretary determines and certifies that it is in the national security interests of the United States to do so.

Subsection (d) expresses the Sense of Congress that there should be authorized to be appropriated up to \$1,500,000,000 for each fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan, contingent upon an improving political and economic climate in Pakistan.

It should also be noted that bilateral assistance is not the only mechanism for supporting Pakistan's economic and political situation. To the extent that Pakistan continues to evolve toward civilian control of the government and to develop and implement comprehensive economic reform programs, the President should take the lead in mobilizing international financial institutions, in particular the International Monetary Fund and affiliated institutions in the World Bank group, to provide timely and appropriate resources to help Pakistan. The President should also, in conjunction with other governments and international financial institutions (including the International Monetary Fund), support the implementation of a plan by the Government of Pakistan to attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan. Finally, the President should provide leadership in supporting multilateral agreements to provide government-to-government loans for currency stabilization in Pakistan if the loans can reduce inflation and thereby foster conditions necessary for the effective implementation of economic reforms.

#### SECTION 103. AUDITING

Subsection (a) explains that the Inspectors General of the Department of State, the United States Agency for International Development, and other federal departments other than the Department of Defense, shall audit, investigate, and oversee the obligation and expenditure of such amounts in this title. It is appropriate and essential that the significant increase in assistance be matched with sufficient oversight and accountability. The Inspectors General of the respective agencies are expected to achieve a higher level of coordination and cooperation in their oversight. Congress expects the Secretary of State in consultation with other U.S. government agencies to ensure oversight efforts and support for those efforts are no less robust than those for the Special Inspectors General created for Iraq and Afghanistan.

Subsection (b) authorizes the aforementioned Inspectors General to establish in-country presence through field offices in Pakistan, as necessary.

Subsection (c) authorizes up to \$30,000,000 for each fiscal year to be made available for auditing, in addition to amounts otherwise available for such purposes.

#### Title II—Security Assistance

Title II draws from title II of Division B of H.R. 2410 and sections 5 and 6 of S. 962.

#### SEC. 201. PURPOSES OF ASSISTANCE

Section 201 declares the purposes for which U.S. security assistance to Pakistan is to be used. It provides that U.S. security assistance to Pakistan be used (1) to support Pakistan's paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests; (2) to work with the Government of Pakistan to improve Pakistan's border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere; (3) to

work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and (4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

#### SECTION 202. AUTHORIZATION OF MILITARY ASSISTANCE

Subsection (a) authorizes such sums as may be necessary for fiscal years 2010 to 2014 for International Military Education and Training (IMET) programs for Pakistan, including expanded IMET. Subsection (a)(2) provides that a "substantial amount" of such funds should be used to pay for courses of study and training in counterinsurgency and civil-military relations. For this purpose, a substantial amount should be considered approximately 30 percent.

Subsection (b)(1) authorizes such sums as may be necessary for fiscal years 2010 to 2014 for Foreign Military Financing (FMF). Subsection (b)(2)(A) provides that a significant portion of such amounts shall be used for the purchase of defense articles, defense services, and military education and training for activities relating to counterinsurgency and counterterrorism operations in Pakistan. For purposes of this subsection, such articles, services and education and training may include, but are not limited to, the following:

Aviation maintenance and logistics support for United States-origin and United States-supported rotary wing aircraft and upgrades to such aircraft to include modern night vision and targeting capabilities.

Intelligence, surveillance, and reconnaissance (ISR) ground and air manned and unmanned platforms, including sustainment.

Command and control capabilities.

Force protection and counter improvised explosive device capabilities, including protection of vehicles.

Protective equipment, such as body armor and helmets, night vision goggles, and other individual equipment, including load-bearing equipment, individual and unit level first aid equipment, ballistic eye protection, and cold weather equipment.

Appropriate individual and unit level medical services and articles for the Pakistan Army, the Pakistan Frontier Corps, and other appropriate security forces.

Assistance to enable the Pakistani military to distribute humanitarian assistance and establish a tactical civil-military operations capability, including a civil affairs directorate.

Subsection (b)(2)(B) provides that it is the Sense of Congress that a significant majority of funds made available to carry out this subsection for a fiscal year should be used for the purpose described in subparagraph (A). For this purpose, a significant majority should be considered approximately 70 percent of the amounts made available pursuant to the authorization.

Subsection (b)(3) provides that FMF can be provided in fiscal years 2010 and 2011 notwithstanding any other provision of law other than sections 3 and section 102 of the Arms Export Control Act and annual restrictions relating to assistance to a country that has had a duly-elected head of government deposed by a military coup. The purpose of this provision is to allow greater flexibility in the delivery of FMF in FY2010 and 2011 to Pakistan. This authority complements flexibility provided in the Pakistan Counterinsurgency Fund and the Pakistan Counterinsurgency Capability Fund, both of which will allow the United States in fiscal years 2009 and 2010 to provide urgent counterterrorism and counterinsurgency assistance to Pakistan. The Department is encouraged to

use the flexibility in FMF to likewise ensure rapid delivery of counterterrorism and counterinsurgency assistance.

Subsection (c) provides that the United States should facilitate Pakistan's establishment of a program to provide reconstruction assistance, including through Pakistan's military, as appropriate, in areas damaged by combat operations.

Subsection (d) establishes a new exchange program to foster civilian rule of military institutions. This program would have civilian and military officials from NATO governments and from governments determined by the Secretary of State to be going through a transition to democracy to provide insight and experience to their counterparts in Pakistan.

#### SECTION 203. LIMITATION ON ASSISTANCE

Subsection (a) provides that beginning in fiscal year 2011, no security-related assistance may be provided to Pakistan in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

Subsection (b) provides that beginning in fiscal year 2012, no Letter of Offer and Acceptance to sell major defense equipment to Pakistan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

Subsection (c) provides for a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees on three separate matters. Paragraph (1) requires a certification that the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks.

Subsection (c)(2) requires a certification that the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups. In making this certification, the Secretary shall take into account the extent to which the Government of Pakistan has made progress on matters described in subparagraphs (A), (B), and (C).

Subsection (c)(3) requires a certification that the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

Subsection (d) provides none of the funds appropriated for security-related assistance for fiscal year 2010 and each fiscal year thereafter, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32), may be obligated or expended to make payments relating to certain contracts described in paragraphs (A), (B), and (C) of subsection (d)(1), which the Government of Pakistan has committed to pay for using its own national funds. Subsection (d)(2) provides for an exception related to certain construction costs related to such contracts.

Subsection (e) provides that the Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so, and provides for a notification prior the exercise of the authority under this subsection.



Subsection (f) includes definitions for this subsection.

#### SECTION 204. PAKISTAN COUNTERINSURGENCY CAPABILITY FUND

This section authorizes the Pakistan Counterinsurgency Capability Fund (PCCF) and applies to any funds in the PCCF. It provides, in part, that funds transferred to the Pakistan Counterinsurgency Fund (PCF), which resides in the Department of Defense, be merged with the funds in the PCCF, except that the funds would still be subject to the limitations in section 203.

#### SECTION 205. REQUIREMENTS FOR CIVILIAN CONTROL OF CERTAIN ASSISTANCE

This section provides that any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan. It also provides that the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan. The purpose of this provision is to support Pakistan's democratic civilian government and to ensure the increased transparency of such assistance or payments by requiring that the civilian authorities have the documentation related to such assistance or payments and that civilian authorities actually receive the funds related to such assistance or payments. It should be noted that subsection (c), which contains a number of exceptions to the application of this section, was added in an abundance of caution to ensure that certain programs were not interpreted to be included as being affected by subsection (a). This subsection should not be construed in any way as defining the meaning or scope of "security-related assistance" (a defined term under the Act) or "non-assistance payments."

#### Title III—Strategy, Accountability, Monitoring, and Other Provisions

Title III draws from title III of Division B of H.R. 2410 and section 5 and 8 of S. 962.

##### SEC. 301. STRATEGY REPORTS

S. 962 contained a provision that would require not later than 45 days after the enactment of this Act the Secretary of State to submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. Division B of H.R. 2410 contained no such requirement. Reflecting the approach in S. 962, section 301(a) requires that not later than 45 days after the date of enactment of this Act, the Secretary of State shall submit a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include, among other items, a description of principal objectives of United States assistance to Pakistan to be provided under title I of this Act; a general description of the specific programs, projects, and activities designed to achieve the purposes of section 101 and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014; and a plan for program monitoring, operations research, and impact evaluation research for assistance authorized under title I of this Act. The purpose of this report is to ensure proper oversight and accountability over economic assistance to Pakistan.

H.R. 2410 contained a provision (section 302) that would require the President to establish and implement a program to assess the effectiveness of assistance provided under title I of this Act through impact eval-

uation research on a selected set of programmatic interventions, operations research in areas to ensure efficiency and effectiveness of program implementation, and monitoring to ensure timely and transparent delivery of assistance. S. 962 contained no such provision. That requirement has been included in the reporting requirement of subsection (a). The monitoring requirement in the Pakistan Assistance Strategy Report is intended to encourage the President to establish a monitoring program. The President, in developing performance measurement methods under the impact evaluation research, operations research, and program monitoring, should consult with the appropriate congressional committees as well as the Government of Pakistan.

Subsection (a)(7) requires an analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training. The purpose of this reporting requirement is to identify and formulate plans to replace the AH-1F and AH-1S Cobra attack helicopters currently used by the Government of Pakistan for counterinsurgency operations.

Subsection (b) requires the President to develop a comprehensive interagency regional strategy to eliminate terrorist threats and close safe havens in Pakistan and submit a report on the strategy to Congress. The report is premised on the belief that coordination among India, Pakistan, and Afghanistan, along with countries neighboring or closely aligned with the region such as Iran and Saudi Arabia, where appropriate, will be necessary if the United States is to create a viable strategy for sustainable peace and security in this critical region. Subsection (c) requires the President to submit to Congress a report on the strategy not later than 180 days after the enactment of the Act. Subparagraph (3)(B) provides that the report shall include specification of goals and proposed timelines and budgets for implementation of the strategy.

Subsection (c) mandates that not later than 180 days after the date of the enactment of the Act, the Secretary of State shall submit a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014, as well as how funds in the PCCF fit into such a plan. The purpose of this requirement is to encourage long-term planning regarding security assistance to Pakistan and to facilitate Congressional oversight over such assistance.

##### SECTION 302. MONITORING REPORTS

Subsection (a) provides that not later than 180 days after the submission of the Pakistan Assistance Strategy Report and every 180 days thereafter, the Secretary of State shall submit a report that describes the assistance provided under title I of the Act, along with related assessments of the extent to which the Government of Pakistan exercises effective civilian control of the military; whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan's nuclear weapons program; and the counterterrorism efforts undertaken by the Government of Pakistan.

Subsection (b) provides that the Comptroller General of the United States shall submit reports that contain a review of, and comments addressing, the Pakistan Assistance Strategy Report; recommendations relating to any additional actions the Comptroller General believes could help improve the efficiency and effectiveness of United States efforts to meet the objectives of the Act; a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 23 of the Arms Export Control Act; and an assessment of the

impact of the assistance on the security and stability of Pakistan. Subsection (b) further requires the Comptroller General to conduct an independent analysis of the certification described in section 203(c) and submit a report containing the results of the independent analysis to Congress.

Subsection (c) provides that the Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law. The intent of this provision is to streamline the numerous reporting requirements of this Act and other Acts, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111-32). Reports under these and other provisions of law may be combined and submitted together as long as all elements of each report are included, and the timelines for each provision of law requiring such a report are respected.

I urge all my colleagues to support this bill, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 1707, the Enhanced Partnership With Pakistan Act of 2009.

□ 1400

The text before us is the result of negotiations between the House Foreign Affairs and the Senate Foreign Relations Committees with substantial input from the Armed Services Committees and other committees of interest as well as the Departments of State and Defense.

Last week, the consensus text was introduced as a new bill, which passed the Senate by unanimous consent on September 24. While the Senate may have felt it appropriate to rush the bill through the process, many of our colleagues and I feel that a bill of this magnitude both in terms of its policy impact and the financial cost should have been considered under regular order, affording the opportunity for robust discussion, rather than being added to the suspension calendar.

Nevertheless, our focus is and must be on providing our civilian and military personnel the necessary resources and authorities to succeed in implementing a U.S. strategy in Afghanistan and Pakistan. The bill before us addresses half of that equation: Pakistan.

Like its predecessor, it attempts to focus more U.S. resources and attention to rebuilding and making more professional the civilian institutions in Pakistan by authorizing \$1.5 billion annually in nonmilitary assistance through fiscal year 2014.

Reminiscent of the House Republican substitute to the House version of this bill, which passed in June, the new text requires, before any economic assistance to Pakistan can be released, that the administration submit a Pakistan Assistance Strategy Report, including a description of the principal objectives of U.S. assistance, a detailed spending plan, and a plan for program monitoring. It further stipulates that no more than half the assistance may

be released until the Congress receives a certification from the administration that this significant expenditure of taxpayer dollars is materially contributing to our multifaceted goals related to Pakistan. If need be, these limitations are subject to a national interest waiver.

Perhaps the most significant changes in the text relate to security assistance. As Members will recall, the version considered by the House in June prompted a letter from Secretary of Defense Gates and Admiral Mullen, Chairman of the Joint Chiefs of Staff, and an associated letter from General Petraeus, the head of U.S. Central Command, objecting to the degree of conditionality and limitations on security assistance to Pakistan which they felt would unduly constrain their efforts given the fluid and the dynamic environment that exists in Pakistan. I'm pleased to note, however, that Secretary Gates and Admiral Mullen write that they now feel that the revised text "addresses the key concerns" that they had raised in their April 28, 2009, letter.

Specifically, Mr. Speaker, in section 202 the Department of Defense concerns with inflexibility, being overspecific, and conditionality with respect to funding for the International Military Education and Training and the Foreign Military Financing have been addressed through the use of "such sums" instead of specific numbers and "a sense of Congress" language instead of the binding percentage limitations.

In section 203, DOD concerns about inflexibility, conditionality, and potential counterproductive effects of certain limitations on security assistance have been addressed with more balanced language on nonproliferation issues as well as counterterrorism. Issues relating to the F-16 program of Pakistan have also been addressed.

In section 204, DOD concerns about the consistency of language authorizing the Pakistan Counterinsurgency Capabilities Fund with the fiscal year 2009 Supplemental and the State/DOD agreement on transfer of funds, these issues have been addressed. The language is now consistent with that bill and prior understanding.

In section 205, DOD concerns about inflexibility and conditionality with respect to a requirement for civilian control of certain assistance have been addressed through better language and strong dual key waiver authority for Secretary of State and Defense.

I thank all of the authorities for making these changes. I thank Mr. BERMAN for his flexibility.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 4 minutes to one of the key partners in working through this legislation, the chairman of the Middle East and South Asia Subcommittee, vice chair of the committee, the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. Mr. Speaker, I rise to speak on the resolution before the

House. I want to commend the chairman for his strong efforts particularly on the bill as we adopted it in the House in July. The bill before us today had to satisfy other parties and is, in my view, a lesser product for it.

The fundamental question this legislation attempts to answer is: How can we best ensure the full cooperation of the Government and the people of Pakistan in our struggle against al Qaeda, the Taliban, and other sources of violence, terror, and regional instability? In the text authored by Chairman BERMAN, the answer to this question was to propose a long-term partnership, one in which both sides had both interests and responsibilities, a partnership of equals who were expected to constantly and appropriately judge whether or not the relationship was succeeding.

The compromise bill before us today, however, is not a blueprint for a partnership; it is a recipe for disappointment followed by disillusionment.

Pakistan is too big and too complex to be a proper subject for the Senate's preferred Pygmalion-like approach. Even if Pakistanis sought such a relationship, which they very definitely do not, Pakistan is simply beyond our shaping.

Pakistan's interests and our own are not very closely aligned. We see India as a major ally. They see India as unalterably rapacious and inherently dangerous. We see the Afghan Taliban as a wicked, oppressive, and violent group intent on returning Afghanistan to primitive theocratic darkness. They see it as a useful insurance policy. We see Pakistan's ongoing relationship with radical Islamic terrorist groups as utterly illegitimate. They see these groups as both fundamentally just and as essential leverage. They see it as an unwarranted foreign imposition and potentially a violation of their rights. And the list of contradictions could go on across a range of subjects from madrassas to arms sales, from state enterprise corruption to feudal land reforms.

Setting aside the differences we have with the Government of Pakistan, I think we should all be very circumspect about the ability of our own government to carefully spend \$1.5 billion a year in Pakistan. The history of our assistance programs with Pakistan does not inspire confidence in either the rectitude of our partners or our own ability to spend the taxpayers' money effectively.

The response to such concerns is predictable: Shall we do nothing? No, of course not. Pakistan is a country we can ignore only at our own peril. Only a fool could pretend that what happens there is not and will not become our concern. This bad neighborhood will definitely come to visit us if we choose not to visit it.

But our success will depend chiefly on reforms taken in Pakistan by Pakistanis. I see little in the bill to provide any assurance that such changes are on

the way. I fear again we are choosing to be Pakistan's patron rather than its partner. In the end, Pakistan will absorb what we offer and remain the same Pakistan, and, worst of all, they will claim once again that we have failed them.

But we have no choice but to pass this bill.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member on the Subcommittee on Terrorism, Nonproliferation and Trade, who has been working hard on this bill from the very beginning.

Mr. ROYCE. Mr. Speaker, I rise in support of this legislation, and I commend Chairman BERMAN for his Pakistan assistance legislation, which is the basis of the Senate bill that we are considering here. I also want to thank Ranking Member ROS-LEHTINEN for pressing the important issues that have made this a better bill.

There is no doubt that Pakistan is critical to America's security. Having made several trips to Pakistan, I observed that large parts of that country are a hotbed of radical jihadism. It's a country, of course, with a nuclear arsenal. And while its security situation has improved since last spring, Pakistan very much remains a country in crisis.

Pakistan is a partner, too. Any country receiving this amount of U.S. aid had better be one. But there can be no carte blanche. This bill's conditions on aid reflect years of bad experiences. It's only right that Pakistan not be proliferating, or covertly aiding militants, as an aid condition. It's only right that those positions are in that underlying bill that Chairman BERMAN has brought forward here. We should also proceed with the understanding that aid has the potential to worsen economic and political conditions.

Operating in Pakistan is very difficult. U.S. aid workers are limited in their in-country travels because of security. I have concerns about establishing too big a footprint in Pakistan, in other words, the so-called diplomatic surge. The fact is that if the U.S. isn't welcomed in much of Pakistan, it may not be the case that this addition of personnel on the ground is helpful. So I think a balance is needed in that, and that's an issue that I hope and trust that the State Department will reflect on.

I am pleased that the trade position, the provision on trade, that was added to this bill when it passed the House was dropped in the Senate. And the reason I am pleased with that is that that provision, allegedly a development-plus for Pakistan, was at best a do-nothing provision. Some argue it would actually decrease U.S./Pakistan trade. It's a shame that this Congress can't muster the will to liberalize trade with Pakistan, which would do far more for its development than development aid.

Finally, I would like to second my colleague's concerns about neighboring Afghanistan. Trends there aren't moving in our direction. It's past time for decisive action.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in support of S. 1707, the Enhanced Partnership With Pakistan Act of 2009.

Mr. Speaker, this is a national security bill. It authorizes military assistance to help Pakistan disrupt and defeat al Qaeda and insurgent elements, and requires that the majority of such assistance be focused on critical counterinsurgency and counterterrorism efforts. Additionally, the bill requires that all military assistance flow through the democratically elected Government of Pakistan.

The legislation authorizes \$1.5 billion each year for development and economic assistance. In order for complete release of these funds, the President's Special Representative must certify that Pakistan is making progress towards achieving the principal objectives of U.S. assistance. The legislation also authorizes funding for military education and training and \$150 million to equip, train, and professionalize the Pakistani police.

The military funding in this bill has a specific purpose, that Pakistan improve its border security and fight the counterinsurgency within its own borders. There's a new provision that specifically bars the use of foreign military financing for any new F-16 purchases or upgrades.

I understand the concerns about Pakistan's commitment to fighting terrorism. I myself have concerns about its nuclear arsenal and its past history of proliferation. That is why the bill states that no security-related assistance may be provided to Pakistan until the Secretary of State certifies that the Government of Pakistan is continuing to cooperate with the United States. Moreover, Pakistan must demonstrate a sustained commitment toward combating terrorist groups.

With these protections, Mr. Speaker, I believe this is a very useful bill. I thank the chairman for his leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), the ranking member on the Subcommittee on International Organizations, Human Rights and Oversight.

□ 1415

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to spending billions more of our people's money and sending it to Pakistan. As the bill states: "The United States has contributed more than \$15 billion since 2001 in military and economic assistance to Pakistan." The bill before us commits the American people to another \$15 bil-

lion. That is \$30 billion, \$30 billion that we don't have. The Federal budget this year is \$4 trillion, and \$2 trillion of that is deficit spending. We are borrowing in order to cover it.

President Obama right here in this Chamber said that we are losing an average of 750,000 jobs a month. Our economy is as weak as it has ever been. Our people are in need. The debt we are creating will break their backs and destroy our economy. The proposition before us today would have us borrow another \$15 billion from China in order to give to Pakistan. We need to focus on the jobs for the American people, not for the Pakistanis. We need to have the discipline to be responsible, and borrowing billions more from China to give to Pakistan is not responsible.

What we have here is \$15 billion that we have already spent. Well, where has it gotten us? After 9/11 and spending all of this money, our military reports right now indicate that the ISI, that is the Pakistani intelligence service, still provides support for the Taliban. We have given aid to Pakistan in the past, and they have used their money to build nuclear weapons. And when we complained about it, President Musharraf from Pakistan said his people were willing to eat grass in order to have a nuclear weapon.

Pakistan's government still works hand in glove with the enemy factions in Saudi Arabia and in China. American soldiers still die every day because our diplomats won't face reality, and they keep telling us that Pakistan is just coming around, while it's clear they are just playing us like a fiddle. We've heard this for years.

Pakistani and Chinese leaders, however, during that time transferred nuclear technology to North Korea, Iran and Libya. And to this day, Pakistan won't give our intelligence services a chance to actually talk to that nuclear conduit, Dr. Abdul Khan, who actually transmitted nuclear secrets to these other countries. The Pakistani Government buys its weapons from China with money that they borrow from us. It is a twisted, ludicrous logic for us now to borrow money from the Chinese to give to the dictators in China who will then sell weapons to the Pakistanis.

Pakistan was with us in the Cold War. We remember that. But the Cold War is over. Pakistan is now with China. And both governments, Chinese and the Pakistanis, plot and maneuver against our interests all the time. Well, the threat of radical Islam is real, but it's not going to be solved by our being irresponsible with \$15 billion of taxpayers' money.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 2 minutes to a member of the committee, the chair of the Congressional Pakistan Caucus, and the colleague whom I had the privilege of traveling to Pakistan with earlier this year, Ms. SHEILA JACKSON-LEE of Texas.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the chairman very much for his work, very hard work, I might add, Chairman BERMAN, and to the ranking member for the opportunity to support this legislation that has the Senate title. I also support the House bill, which we worked very hard on. But I support the idea that this bill provides for enhanced monitoring, evaluation, and auditing of U.S. assistance. It requires a Presidential report on Pakistan, including an evaluation of Pakistan's progress on counterterrorism and an assessment of whether assistance provided to Pakistan is in any way facilitating the expansion of Pakistan's nuclear weapons program and requires that all assistance to Pakistan be provided through a civilian government.

We are treading water if we keep going back over and over again on what was. Yes, we have to acknowledge that Pakistan was our friend in the Cold War, and we have to know the Pakistan people in fact want democracy. They are strong and resilient people. When they had the tragedy in the Swat territory, those individuals that went to refugee camps did not stay long. Why? Because they wanted to go back and restore their lives and work.

We need to establish friends with those who want to be friends. We know for sure that the Pakistan military has lost and shed blood on the border of Afghanistan and Pakistan. Yes, there are problems which we can fix with this legislation, \$1.5 billion a year that will help them on their economic recovery.

I am disappointed that the legislation that Congressman VAN HOLLEN had, that we have not been able to work that through. We worked it in the House bill on the investment zones, if you will, which I think is a positive step. But what we did do is we provided opportunity for schooling and an opportunity to ensure that young Pakistani men are not drawn to the teachings of those who would do harm, the violent teachings that have gone on, giving them alternatives in terms of promoting education.

My friends, don't throw the baby away with the bath water. We have friends in Pakistan. That government needs to know that we are an ally, but oversight is imperative. A regional plan is imperative, and recognizing a friend when you see it. Fight the Taliban. Fight Osama bin Laden. Recognize your friends, and pass this legislation.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, Dr. PAUL.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. I thank the gentlelady for yielding.

Mr. Speaker, I rise in opposition to this bill. Sometimes I wonder how we can, with a straight face, bring a bill up like this with the conditions of this country, especially financially. I oppose this bill for two reasons. One, we

don't have the money. That would be a pretty good reason not to support it. And the other reason is I do not believe it's in our national security interests. I know this is being promoted as benefiting our national security, but I do not believe it helps us one bit. This bill was essentially voted on in June, and the vote was 234-185, which means that it is assumed at least 56 or more individuals in the Congress have switched their votes.

Now they say they have tinkered with the bill and changed it a little bit, but it's an authorization that could be \$15 billion. So it hasn't had that much of a change. But today it is expected that these individuals will change and vote for this bill not really asking the questions.

Now, the bill is defined as fortifying democratic institutions. That is a good goal. But it never, never works. We are in 130 countries, we have 700 bases around the world, and we pursue this, and we are bankrupting our country by trying to maintain this empire. I have often made the point that the way we treat our fellow countries around the world is we tell them what to do, and if they do it we give them money. If they don't do it, we bomb them. Under this condition, we are doing both. We are currently dropping bombs in Pakistan. The CIA is dropping bombs, and innocent people get killed.

If you want to promote our good values and our democratic process, you can't antagonize the people by literally killing people over there, because if bombs were falling on this country, we wouldn't be all that happy with that. So this does not improve our conditions whatsoever.

I would suggest another proposal for our foreign policy, not using bombs and bribes, but what about neither one? What about just talking to people? What about reducing tariffs? What about trading with them? Instead, it is this form of foreign policy that will not serve our interests.

Mr. BERMAN. Mr. Speaker, I'm very pleased to yield 2 minutes to the gentleman from Maryland, the author of important legislation that was part of the House bill and unfortunately is not part of the final compromise, the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, I thank the chairman of the committee, Mr. BERMAN, and congratulate him and Ranking Member ROS-LEHTINEN on bringing this important bill to the floor.

We have to learn from our past mistakes. And the fact is that the economic and political stability of Pakistan is essential to U.S. security interests, and we know what has happened in the past when we have ignored that fact. Because when the Soviet Union withdrew its forces from Afghanistan in 1989, the United States lost interest in Afghanistan, and we reduced our commitment to Pakistan at the same time. And we all know the con-

sequences. The consequences we saw on September 11, 2001. Because what happened in that power vacuum in Afghanistan was that Taliban took power. They invited al Qaeda in, and the result is the horrible attacks that we saw September 11, 2001.

We must not repeat those mistakes. We must provide a substantial and solid foundation to our relationship with Pakistan which includes not only military assistance but economic assistance and also should require a trade relationship. And I am disappointed that the reconstruction opportunity zones provisions were dropped from this bill. They were supported by the President of Pakistan who thought they were important to economic development there. They were part of President Obama's security strategy with respect to Pakistan and Afghanistan which he announced in March. Ambassador Holbrooke in a letter to the Speaker of the House said that the ROZs, reconstruction opportunity zones, are a vital component of our policy towards Pakistan in a moment of great challenge, indeed crisis, for that critically important nation.

I hope, Mr. Chairman, we can continue to work on this. Thank you for your leadership here. I thank Representative LEVIN, as well, and other Members, because I think that the Pakistani President is a good judge of what the economic impact would be. And I do find it curious when sometimes Members of this Congress substitute their judgment as to what would be in the economic interests of Pakistan.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. Mr. Speaker, I will yield the gentleman 1 additional minute.

Mr. VAN HOLLEN. Thank you, Mr. Chairman.

We just heard from the previous speaker that we should focus on trade more than aid. And I do think we need to move forward on trade because we do know that that provides for more sustainable foundation to long-term economic growth in Pakistan. And the idea behind the reconstruction opportunity zones was to create more incentive for businesses to operate out of some of the troubled regions in Pakistan and provide alternatives to taking up a gun or joining the Taliban or joining the insurgency. So I think this is a very important part of our strategy.

I'm very hopeful that we can move forward on this with the Senate. I'm disappointed again that the Senate has decided not to go forward at this time. And I just want to underscore again the statements made by Secretary Clinton as well as Ambassador Holbrooke and the President of the United States that we should move forward on this on an expeditious basis.

Again, I thank the chairman for his leadership.

Ms. ROS-LEHTINEN. Mr. Speaker, at this time, I am pleased to yield 2 min-

utes to the gentleman from Illinois (Mr. KIRK), a valuable member of the Committee on Appropriations.

Mr. KIRK. Mr. Speaker, foreign assistance works best when we accomplish with treasure what we would have otherwise had to do with blood. We have 68,000 Americans in uniform in Afghanistan. And they are helping our NATO allies and the Afghan Government to fight al Qaeda and the narco-Taliban. The narco-Taliban rests and rearms in Pakistan, in Quetta and the frontier area. This legislation gives us leverage and resources to encourage Pakistani resistance to the Taliban, the murderers of their own prime minister. By weakening the narco-Taliban, we improve chances for the Afghan Government to expand its authority on both sides of the border.

Now last year I served with ISAF's Regional Command South in Kandahar, Afghanistan, and we had regular reports of men and material moving from Quetta and Spin Boldak into Afghanistan to attack Afghan and NATO positions. This legislation enables us to work on both sides of this border against the narco-Taliban.

I commend our ranking member, Ms. ROS-LEHTINEN, and Chairman BERMAN for making this a bipartisan bill, because that's the way our troops would want it. When the Taliban shoots at our guys, they are not shooting at Republicans or Democrats. They are shooting at Americans. And we are responding with unity.

We have no failure option in Afghanistan. If we ignore this problem, we risk repeating the mistakes so clearly described in the 9/11 Commission Report. And with North America's tallest building located in Chicago, I believe it's our duty to absolutely prevent an attack from Pakistan or Afghanistan from ever happening again to the people of the United States. And I thank both of our leaders for bringing this legislation to the floor.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 2 minutes to the gentlewoman from California (Ms. HARMAN), who is very much the moving party in the language that insists on Pakistani cooperation and on dismantling nonproliferation networks in the final version of this legislation.

□ 1430

Ms. HARMAN. I thank the gentleman for yielding and salute his leadership on this committee and our long, long, long friendship as southern California Representatives.

I rise in support of this legislation and again thank the committee leadership and committee members for including language in the original House bill and the original committee's report reflecting many of the concerns I have about nuclear proliferation in Pakistan. Regrettably, some of that language is not in this compromise, though I applaud section 203's limitations.

Mr. Speaker, Pakistan poses one of the most complex foreign policy challenges facing the United States today.

It sits at the intersection of vital security interests, from terrorism to nuclear proliferation to the war in Afghanistan.

A secure and stable Pakistan is of critical importance to the United States, and yet, with a large al Qaeda presence, a vibrant Taliban insurgency, and widespread political unrest, that stability is anything but guaranteed.

Recent news reports suggest that the city of Quetta is becoming the new stronghold for the Taliban. Our extremely capable Ambassador to Pakistan, Anne Patterson, says that "our intelligence on Quetta is vastly less, we have no people there, no cross-border operations, no predators."

The stakes are truly high. Pakistan's nuclear stockpile cannot be allowed to fall into the wrong hands.

In March, I worked with Chairman BERMAN to incorporate language that would guarantee U.S. investigators access to individuals suspected of proliferation activities. While that language is not in this bill, this bill does limit security-related assistance contingent upon Pakistan's help dismantling proliferation networks and combating terrorist groups.

A few weeks ago, a Pakistani court lifted the requirement that A.Q. Khan, the mastermind of the most notorious nuclear smuggling ring ever, remain under police escort when traveling around the country. Just recently, Khan boasted to the press that the Government of Pakistan was complicit in his past activity.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield an additional 1 minute to the gentlelady.

Ms. HARMAN. I thank the gentleman.

Mr. Speaker, it is my hope that the aid authorized by this bill will persuade President Zardari and his government to do more to crack down on proliferation offenders and become better partners with the world community in stabilizing their country.

Mr. Speaker, this bill is a very large, 5-year down payment on long-term success in Pakistan. We need to be clear-eyed about the opportunities and to embrace them, but also clear-eyed about the risks.

Ms. ROS-LEHTINEN. Mr. Speaker, I'd like to yield myself such time as I may consume.

I'm pleased that in this bill overly prescriptive reporting and related requirements have been replaced by more appropriate and time-limited provisions for Pakistan strategy reports, for accountability, and for monitoring of assistance.

Robust accountability provisions are included and are vital to reassure the American taxpayer that their moneys are being well-spent, and this is particularly the case for Pakistan, where many Pakistanis and groups, like Transparency International, are deeply concerned about the integrity of high-level officials in that country.

Mr. Speaker, of all the foreign policy challenges facing the United States, stabilizing and transforming and reforming Pakistan may be one of the most daunting. The good news is that leaders in Islamabad have shown increased willingness to confront those militants who have targeted the Pakistani State from bases in the Northwest Frontier Province and from South Waziristan.

A number of militant leaders have been killed or captured, most prominently the leader of the Pakistani Taliban.

SWAT and other conflict-affected areas of the Northwest Frontier Province are stabilizing. Although some progress has been achieved, much remains to be done.

Pakistan and Afghanistan are part of a wider theater of operations and, despite important differences, must be considered jointly, as the administration itself suggested following the conclusion of a comprehensive strategic review of Af-Pak policy this March.

Suddenly, however, President Obama has apparently decided to rethink the entire strategy in Afghanistan after his hand-picked new commander there, General Stanley McChrystal, warned that the war could be lost if he doesn't get more troops in the next 12 months.

The stunning magnitude of this reversal was highlighted in an article, an op-ed in *The Wall Street Journal* of September 22.

The author Leslie Gelb, a former Pulitzer Prize-winning reporter, columnist and president emeritus of the Council on Foreign Relations, wrote:

"I'm lost on President Barack Obama's Afghanistan policy, along with most of Congress and the U.S. military. Not quite 8 months ago, Mr. Obama pledged to 'defeat' al Qaeda in Afghanistan by transforming that country's political and economic infrastructure, by training Afghan forces and adding 21,000 U.S. forces for starters.

"He proclaimed Afghanistan's strategic centrality to prevent Muslim extremism from taking over Pakistan, an even more vital Nation because of its nuclear weapons. And a mere 3 weeks ago, he punctuated his commitments by proclaiming that Afghanistan is a 'war of necessity,' not one of choice. White House spokesmen reinforced this by promising that the President would 'fully resource' the war."

Leslie Gelb goes on, "Yet less than 1 week ago, Mr. Obama said the following about troop increases: 'I'm going to take a very deliberative process in making those decisions. There is no immediate decision pending on resources, because one of the things that I'm absolutely clear about is you have to get the strategy right and then make a determination about resources.'"

Gelb points out, "Americans are now confused and caught somewhere between remembering the President's insistence on Afghanistan's importance

to U.S. security and rapidly rising pressure from his party to bring the troops home."

Mr. Speaker, if the U.S. is going to prevail against al Qaeda and the Taliban and win in Afghanistan, the administration must take immediate steps to fully implement the strategy without any further vacillating or delays.

Thus, while today we prepare to vote strongly in support of S. 1707 and, in the words of Secretary Gates and Admiral Mullen, "strongly signal to the Pakistani people our long-term commitment to partnering with them to combat terrorism and extremism," I must ask: What about Afghanistan? How much more time will pass before General McChrystal is provided the resources and the personnel that he deems necessary to succeed in Afghanistan?

As for Pakistan, we join with the executive branch on a bipartisan basis to support policies that will help our friends there transform their country into a stable and prosperous democracy that will support U.S. interests in the region, that opposes militancy within and outside its borders, commits to a secure Afghanistan, and will maintain responsible controls over its nuclear weapons capability.

This bill helps us to achieve those objectives, and I urge its support.

And with that, I yield back the balance of our time.

Mr. BERMAN. Mr. Speaker, I'm pleased to yield 2 minutes to the gentleman from Washington, a former member of the Foreign Affairs Committee, Mr. SMITH.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. I rise in support of this legislation.

I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN for their hard work in crafting this compromise and getting a bill that the House and Senate can agree on.

We need to strengthen our relationship with Pakistan. This is a very, very difficult part of the world, and this is a very, very difficult relationship. But none of that overcomes the basic fact that we need a strong relationship with Pakistan for our own national security interests. The threat is real, as has been described by a large number of my colleagues. The threat from Islamic extremism, through al Qaeda and other groups, comes from this region in large part through al Qaeda, in large part through the Taliban, and threatens us.

To defeat that, we need partners in the region. We need a partner in Afghanistan. We need a partner in Pakistan. And the good news is Pakistan is taking steps in the right direction. As has been mentioned, they have stepped up and confronted the violent extremists that threatened them and pushed back against them. They are working with us to train their forces in counter-insurgency tactics so they can better

do this, and they have also taken the first basic steps in getting a lasting democracy in place. This has been a lengthy challenge for them as they have dealt with governance and economic issues, but they have made progress.

They need our help to build on that progress, because if they cannot provide a decent government, a decent governance, it makes it all too easy for the violent extremists to prey on their failures and recruit Pakistanis to their cause. With our support, they can build a better economy. They can build the basics of government to provide for their people. Without it, they're going have a very, very difficult time accomplishing that task. That will be a threat to the region and that will be a threat to us.

This bill shows a commitment from the United States to a long-term relationship. For too long, the Pakistanis have felt that we only used them for our own interests and then walked away and have been reluctant to embrace us, reluctant in some ways to confront the Taliban for fear that we will not be there to help them when it is truly needed.

This bill shows the long-term commitment to the partnership that we must have with a Pakistani Government that seems increasingly willing to have that partnership.

I urge support for this legislation.

Mr. BERMAN. Mr. Speaker, I yield myself the remaining time.

First, I would like to just pick up on the theme the gentleman from Washington just stated. This truly is a bill that is in the interests of the American people and the Pakistani people. That's why we're talking about authorizing these kinds of funds.

I can assure you, in the context of a failed state, in the context of a victory by the insurgency in Pakistan, the sum total of this bill is peanuts compared to the costs to America and to the rest of the world in terms of international instability and conflict and war.

We've come a long way on this legislation. I think we've built a broad base of support on a bipartisan basis and with both Houses.

I particularly want to thank some key people on my staff who have worked on this legislation: Jasmeet Ahuja and Daniel Silverberg, as well as the other staff members, David Abramowitz and others who have worked so hard, and on the minority side, Yleem Poblete. And to Jamie McCormick and the others, thank you for all your cooperation and help to get to this point.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, S. 1707.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 2442, by the yeas and nays;

H.R. 1771, by the yeas and nays;

H.R. 1053, by the yeas and nays.

Remaining postponed questions will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

#### BAY AREA REGIONAL WATER RECYCLING PROGRAM EXPANSION ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2442, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Guam (Ms. BORDALLO) that the House suspend the rules and pass the bill, H.R. 2442, as amended.

The vote was taken by electronic device, and there were—yeas 240, nays 170, not voting 22, as follows:

[Roll No. 743]

YEAS—240

Ackerman	Cummings	Heinrich
Adler (NJ)	Dahlkemper	Herseth Sandlin
Altmire	Davis (AL)	Higgins
Andrews	Davis (CA)	Hill
Arcuri	Davis (IL)	Himes
Baca	Davis (TN)	Hinchey
Baird	DeFazio	Hinojosa
Baldwin	DeGette	Hirono
Barrow	Delahunt	Hodes
Bean	DeLauro	Holden
Berkley	Dicks	Holt
Berman	Dingell	Honda
Berry	Doggett	Hoyer
Bishop (GA)	Donnelly (IN)	Inslee
Bishop (NY)	Doyle	Israel
Blumenauer	Driehaus	Jackson (IL)
Boccieri	Edwards (MD)	Johnson (GA)
Boren	Edwards (TX)	Johnson (IL)
Boswell	Ellison	Johnson, E. B.
Boucher	Ellsworth	Kagen
Boyd	Engel	Kanjorski
Brady (PA)	Eshoo	Kaptur
Braley (IA)	Etheridge	Kennedy
Brown, Corrine	Farr	Kildee
Butterfield	Fattah	Kilpatrick (MI)
Capps	Filner	Kilroy
Cardoza	Foster	Kirkpatrick (AZ)
Carnahan	Frank (MA)	Kissell
Carson (IN)	Fudge	Klein (FL)
Castor (FL)	Giffords	Kosmas
Chandler	Gonzalez	Kratovil
Childers	Gordon (TN)	Kucinich
Chu	Grayson	Langevin
Clarke	Green, Al	Larsen (WA)
Clay	Green, Gene	Larson (CT)
Cleaver	Griffith	Lee (CA)
Cohen	Grijalva	Levin
Connolly (VA)	Gutierrez	Lewis (GA)
Cooper	Hall (NY)	Lipinski
Costello	Halvorson	Loeb sack
Courtney	Hare	Lofgren, Zoe
Crowley	Harman	Lujan
Cuellar	Hastings (FL)	

Lynch	Pallone	Sherman
Maffei	Pascarell	Shuler
Markey (CO)	Pastor (AZ)	Sires
Markey (MA)	Payne	Skelton
Marshall	Perlmutter	Smith (WA)
Massa	Perriello	Snyder
Matheson	Peters	Space
Matsui	Peterson	Speier
McCarthy (NY)	Pingree (ME)	Spratt
McCollum	Polis (CO)	Stark
McDermott	Pomeroy	Stupak
McGovern	Price (NC)	Tanner
McIntyre	Quigley	Taylor
McMahon	Rahall	Thompson (CA)
McNerney	Reyes	Thompson (MS)
Meek (FL)	Richardson	Tierney
Meeks (NY)	Rodriguez	Titus
Melancon	Ross	Tonko
Michaud	Rothman (NJ)	Townes
Miller (NC)	Roybal-Allard	Tsongas
Minnick	Ruppersberger	Van Hollen
Mitchell	Rush	Velázquez
Mollohan	Ryan (OH)	Visclosky
Moore (KS)	Salazar	Walz
Moore (WI)	Sánchez, Linda	Wasserman
Moran (VA)	T.	Schultz
Murphy (CT)	Sanchez, Loretta	Waters
Murphy (NY)	Sarbanes	Watson
Murphy, Patrick	Schakowsky	Watt
Murtha	Schauer	Weiner
Nadler (NY)	Schiff	Welch
Napolitano	Schrader	Wexler
Neal (MA)	Schwartz	Wilson (OH)
Nye	Scott (GA)	Wittman
Oberstar	Scott (VA)	Woolsey
Obey	Serrano	Wu
Olver	Sestak	Yarmuth
Ortiz	Shea-Porter	

NAYS—170

Aderholt	Foxx	Miller (MI)
Akin	Franks (AZ)	Miller, Gary
Alexander	Frelinghuysen	Moran (KS)
Austria	Galleghy	Murphy, Tim
Bachmann	Garrett (NJ)	Nunes
Bachus	Gerlach	Olson
Bartlett	Gingrey (GA)	Paul
Barton (TX)	Gohmert	Paulsen
Biggert	Goodlatte	Pence
Bilbray	Granger	Petri
Billakis	Graves	Pitts
Bishop (UT)	Guthrie	Platts
Blackburn	Hall (TX)	Poe (TX)
Blunt	Harper	Posey
Boehner	Hastings (WA)	Price (GA)
Bonner	Heller	Putnam
Bono Mack	Hensarling	Radanovich
Boozman	Herger	Rehberg
Boustany	Hoekstra	Reichert
Brady (TX)	Hunter	Roe (TN)
Bright	Inglis	Rogers (AL)
Broun (GA)	Issa	Rogers (KY)
Brown (SC)	Jenkins	Rogers (MI)
Brown-Waite,	Johnson, Sam	Rohrabacher
Ginny	Jones	Rooney
Buchanan	Jordan (OH)	Ros-Lehtinen
Burton (IN)	King (IA)	Roskam
Buyer	King (NY)	Royce
Calvert	Kingston	Ryan (WI)
Camp	Kirk	Scalise
Campbell	Kline (MN)	Schmidt
Cantor	Lamborn	Schock
Cao	Lance	Sensenbrenner
Capito	Latham	Sessions
Carter	LaTourette	Shadegg
Cassidy	Latta	Shimkus
Castle	Lee (NY)	Shuster
Chaffetz	Lewis (CA)	Simpson
Coble	Linder	Smith (NE)
Coffman (CO)	LoBiondo	Smith (NJ)
Cole	Lucas	Smith (TX)
Conaway	Luetkemeyer	Souder
Crenshaw	Lummis	Stearns
Culberson	Lungren, Daniel	Sullivan
Davis (KY)	E.	Terry
Deal (GA)	Mack	Thompson (PA)
Dent	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Dreier	McCaul	Turner
Duncan	McClintock	Upton
Ehlers	McCotter	Walden
Emerson	McHenry	Wamp
Fallin	McKeon	Westmoreland
Flake	McMorris	Wilson (SC)
Fleming	Rodgers	Wolf
Forbes	Mica	Young (AK)
Fortenberry	Miller (FL)	