

Union Calendar No. 66

111TH CONGRESS
1ST SESSION

H. R. 1886

[Report No. 111–129, Part I]

To authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 2, 2009

Mr. BERMAN (for himself, Mr. KIRK, Mr. ACKERMAN, Mr. ROYCE, Ms. JACKSON-LEE of Texas, Mr. SHERMAN, and Mr. WEXLER) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 22, 2009

Reported from the Committee on Committee on Foreign Affairs with an amendment

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

MAY 22, 2009

The Committee on Rules discharged

MAY 22, 2009

Referred to the Committee on Armed Services for a period ending not later than June 5, 2009, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(c), rule X

JUNE 2, 2009

Additional sponsors: Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. McMAHON, Mr. McDERMOTT, Mr. CONNOLLY of Virginia, and Mr. VAN HOLLEN

JUNE 2, 2009

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on April 2, 2009]

A BILL

To authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“Pakistan Enduring Assistance and Cooperation Enhance-*
 6 *ment Act of 2009” or the “PEACE Act of 2009”.*

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

Sec. 1. Short title and table of contents.

Sec. 2. Definitions.

Sec. 3. Findings.

Sec. 4. Declaration of principles.

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

Sec. 101. Purposes of assistance.

Sec. 102. Authorization of assistance.

Sec. 103. Multilateral support for Pakistan.

Sec. 104. Pakistan Democracy and Prosperity Fund.

Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

Sec. 201. Sense of Congress.

Sec. 202. Purposes of assistance.

Sec. 203. Authorization of assistance.

Sec. 204. Pakistan Counterinsurgency Capabilities Fund.

- Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.*
Sec. 206. Limitation on United States military assistance to Pakistan.
Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

- Sec. 301. Comprehensive regional security strategy.*
Sec. 302. Monitoring and evaluation of assistance.
Sec. 303. Auditing.
Sec. 304. Requirements for civilian control of United States assistance for Pakistan.
Sec. 305. Sense of Congress.
Sec. 306. Reports.
Sec. 307. Sunset.

1 SEC. 2. DEFINITIONS.

2 In this Act:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—Except as otherwise provided in this Act, the
5 term “appropriate congressional committees” means
6 the Committees on Appropriations and Foreign Af-
7 fairs of the House of Representatives and the Commit-
8 tees on Appropriations and Foreign Relations of the
9 Senate.

10 (2) COUNTERINSURGENCY.—The term “counter-
11 insurgency” means efforts to defeat organized move-
12 ments that seek to overthrow the duly constituted Gov-
13 ernments of Pakistan and Afghanistan through the
14 use of subversion and armed conflict.

15 (3) COUNTERTERRORISM.—The term “counter-
16 terrorism” means efforts to combat—

17 (A) al Qaeda; and

1 *(B) other terrorist organizations, as such*
2 *term is defined in section 212(a)(3)(B)(vi) of the*
3 *Immigration and Nationality Act (8 U.S.C.*
4 *1182(a)(3)(B)(vi)).*

5 *(4) FATA.—The term “FATA” means the Feder-*
6 *ally Administered Tribal Areas of Pakistan.*

7 *(5) FCR.—The term “FCR” means the Frontier*
8 *Crimes Regulation, codified under British law in*
9 *1901, and applicable to the FATA.*

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

13 **SEC. 3. FINDINGS.**

14 *Congress finds the following:*

15 *(1) The Islamic Republic of Pakistan has been a*
16 *critical ally of the United States for more than 4 dec-*
17 *ades.*

18 *(2) With the free and fair election of February*
19 *18, 2008, Pakistan returned to civilian rule after al-*
20 *most 9 years under a military dictatorship.*

21 *(3) After the September 11, 2001, terrorist at-*
22 *tacks against the United States, Pakistan chose to*
23 *partner with the United States in the fight against al*
24 *Qaeda, the Taliban, and other extremist and terrorist*
25 *groups.*

1 (4) *Since 2001, the United States has contrib-*
2 *uted more than \$12,000,000,000 to Pakistan to*
3 *strengthen Pakistan’s governance, economy, education*
4 *system, healthcare services, and military, so as to*
5 *bring freedom and opportunities to the people of*
6 *Pakistan while helping to combat terrorism and to*
7 *counter a domestic insurgency.*

8 (5) *The United States requires a balanced, inte-*
9 *grated, countrywide strategy that provides assistance*
10 *throughout Pakistan and does not disproportionately*
11 *focus on military assistance or one particular area or*
12 *province.*

13 (6) *Despite killing or capturing hundreds of al*
14 *Qaeda operatives and other terrorists—including*
15 *major al Qaeda leaders, such as Khalid Sheikh Mu-*
16 *hammad, Ramzi bin al-Shibh, and Abu Faraj al-*
17 *Libi—Pakistan’s FATA, parts of the NWFP, Quetta*
18 *in Balochistan, and Muridke in Punjab remain a*
19 *sanctuary for al Qaeda, the Afghan Taliban, and af-*
20 *iliated groups from which these groups organize ter-*
21 *rorist actions against Pakistan and other countries.*

22 (7) *Pakistan’s security forces have recently begun*
23 *taking concerted action against those who threaten*
24 *Pakistan’s security and stability, with military oper-*

1 *ations in the Bajour agency in the FATA and in the*
2 *Swat, Buner, and Dir districts in the NWFP.*

3 *(8) The displacement of over 1,000,000 Paki-*
4 *stanis poses a grave humanitarian crisis and requires*
5 *the immediate attention of the United Nations, and*
6 *the strong support of donor nations, to provide food,*
7 *water, shelter, medicine, sanitation and other emer-*
8 *gency services and supplies to the displaced, along*
9 *with longer-term development assistance. The hu-*
10 *manitarian crisis highlights the need for Pakistan to*
11 *develop an effective national counterinsurgency strat-*
12 *egy, in order to mitigate such displacement.*

13 **SEC. 4. DECLARATION OF PRINCIPLES.**

14 *Congress declares that the relationship between the*
15 *United States and Pakistan should be based on the fol-*
16 *lowing principles:*

17 *(1) Pakistan is a critical friend and ally to the*
18 *United States, both in times of strife and in times of*
19 *peace, and the two countries share many common*
20 *goals, including combating terrorism and violent*
21 *radicalism, solidifying democracy and rule of law in*
22 *Pakistan, and promoting the social and material*
23 *well-being of the people of Pakistan.*

24 *(2) United States assistance to Pakistan is in-*
25 *tended to supplement, not supplant, Pakistan's own*

1 *efforts in building a stable, secure, and prosperous*
2 *Pakistan, and United States assistance will be wholly*
3 *ineffective without Pakistan's own serious efforts to*
4 *improve the health, education, and living standards of*
5 *its population, including maintaining or increasing*
6 *the financial resources devoted to such efforts.*

7 *(3) The United States supports Pakistan's strug-*
8 *gle against extremist elements and recognizes the pro-*
9 *found sacrifice made by Pakistan in the fight against*
10 *terrorism, including the loss of more than 1,600 sol-*
11 *diers since 2001 in combat with al Qaeda, the*
12 *Taliban, and other extremist and terrorist groups.*

13 *(4) The United States intends to work with the*
14 *Government of Pakistan—*

15 *(A) to build mutual trust and confidence by*
16 *actively and consistently pursuing a sustained,*
17 *long-term, multifaceted relationship between the*
18 *two countries, devoted to strengthening the mu-*
19 *tual security, stability, and prosperity of both*
20 *countries;*

21 *(B) to support the people of Pakistan and*
22 *their democratic government in their efforts to*
23 *consolidate democracy, through strengthening*
24 *Pakistan's parliament, helping Pakistan reestab-*
25 *lish an independent and transparent judicial*

1 *system, and working to extend the rule of law in*
2 *all areas in Pakistan;*

3 *(C) to promote long-term development and*
4 *infrastructure projects, including in healthcare,*
5 *water management, and energy programs, in all*
6 *areas of Pakistan, that are sustained and sup-*
7 *ported by each successive democratic government*
8 *in Pakistan;*

9 *(D) to encourage sustainable economic de-*
10 *velopment in Pakistan and the integration of*
11 *Pakistan into the global economy in order to im-*
12 *prove the living conditions of the people of Paki-*
13 *stan;*

14 *(E) to ensure that the people of Pakistan,*
15 *including those living in areas governed by the*
16 *FCR, have access to public, modernized edu-*
17 *cation and vocational training to enable them to*
18 *provide for themselves, for their families, and for*
19 *a more prosperous future for their children;*

20 *(F) to expand people-to-people engagement*
21 *between the two countries, through increased edu-*
22 *cational, technical, and cultural exchanges and*
23 *other methods;*

24 *(G) to ensure transparency of and provide*
25 *effective accountability for all United States as-*

1 *sistance and reimbursements provided to Paki-*
2 *stan;*

3 *(H) to take steps to improve Pakistan's*
4 *counterterrorism financing and anti-money*
5 *laundering laws to comply with international*
6 *standards, to include applying for "Financial*
7 *Action Task Force" observer status and adhering*
8 *to the United Nations International Convention*
9 *for the Suppression of the Financing of Ter-*
10 *rorism;*

11 *(I) to establish a counterinsurgency and*
12 *counterterrorism strategy to prevent any terri-*
13 *tory of Pakistan from being used as a base or*
14 *conduit for terrorist attacks in Pakistan, or else-*
15 *where, and ensure that madrasas in Pakistan*
16 *are not used to incite terrorism;*

17 *(J) to ensure that Pakistan has strong and*
18 *effective law enforcement and national defense*
19 *forces, under civilian leadership, with sufficient*
20 *and appropriate security equipment and train-*
21 *ing to effectively defend Pakistan against inter-*
22 *nal and external threats;*

23 *(K) to ensure access of United States inves-*
24 *tigators to individuals suspected of engaging in*
25 *worldwide proliferation of nuclear materials, as*

1 *necessary, and restrict such individuals from*
 2 *travel or any other activity that could result in*
 3 *further proliferation;*

4 *(L) to help Pakistan meet its commitment*
 5 *to not support any person or group that con-*
 6 *ducts violence, sabotage, or other activities meant*
 7 *to instill fear or terror in Pakistan's neighboring*
 8 *countries; and*

9 *(M) to help Pakistan gain control of its*
 10 *under-governed areas and stop any support, di-*
 11 *rection, guidance to, or acquiescence in the ac-*
 12 *tivities of, any person or group that engages in*
 13 *acts of violence or intimidation against civil-*
 14 *ians, civilian groups, or governmental entities.*

15 ***TITLE I—DEMOCRATIC, ECO-***
 16 ***NOMIC, AND SOCIAL DEVEL-***
 17 ***OPMENT ASSISTANCE FOR***
 18 ***PAKISTAN***

19 ***SEC. 101. PURPOSES OF ASSISTANCE.***

20 *The purposes of assistance under this title are—*

21 *(1) to demonstrate unequivocally the long-term*
 22 *commitment of the United States to the people of*
 23 *Pakistan and Pakistan's democratic institutions;*

24 *(2) to support the consolidation of democracy,*
 25 *good governance, and the rule of law in Pakistan;*

1 (3) to help build the capacity of law enforcement
2 forces in Pakistan to combat terrorism and violent
3 militancy and expeditiously investigate, arrest, and
4 prosecute alleged criminals, consistent with the rule of
5 law and due process;

6 (4) to further the sustainable and effective eco-
7 nomic and social development of Pakistan and the
8 improvement of the living conditions of the people of
9 Pakistan, especially in areas of direct interest and
10 importance to their daily lives;

11 (5) to strengthen regional ties between Pakistan
12 and its neighbors by offering concrete nonmilitary as-
13 sistance for issues of mutual economic and social con-
14 cern;

15 (6) to strengthen Pakistan's public education
16 system, increase literacy, expand opportunities for vo-
17 cational training, and help create an appropriate na-
18 tional curriculum for all schools in Pakistan;

19 (7) to expand people-to-people engagement be-
20 tween the United States and Pakistan, through in-
21 creased educational, technical, and cultural exchanges
22 and other methods; and

23 (8) to strengthen respect for internationally rec-
24 ognized human rights in efforts to stabilize the secu-
25 rity environment in Pakistan.

1 **SEC. 102. AUTHORIZATION OF ASSISTANCE.**

2 (a) *IN GENERAL.*—To carry out the purposes of section
3 101, the President is authorized to provide assistance for
4 Pakistan to support the activities described in subsection
5 (b).

6 (b) *ACTIVITIES SUPPORTED.*—Activities that may be
7 supported by assistance under subsection (a) include the fol-
8 lowing:

9 (1) *FORTIFYING DEMOCRATIC INSTITUTIONS.*—To
10 support, notwithstanding any other provision of law,
11 democratic institutions in Pakistan in order to
12 strengthen civilian rule and long-term stability, in-
13 cluding assistance such as—

14 (A) support for efforts to strengthen the Na-
15 tional Parliament of Pakistan, including—

16 (i) assistance to parliamentary com-
17 mittees to enhance the capacity to conduct
18 public hearings and oversee government ac-
19 tivities, including national security issues
20 and the military budget, to solicit input on
21 key public policy issues, and to oversee the
22 conduct of elections;

23 (ii) support for the establishment of
24 constituency offices and otherwise promote
25 the responsibility of members of parliament
26 to respond to constituents; and

1 (iii) strengthening of the role of par-
2 liamentary leadership;

3 (B) support for voter education and civil
4 society training, including training with grass-
5 roots organizations to enhance the capacity of
6 the organizations to advocate for the development
7 of public policy;

8 (C) support for political parties, including
9 increasing their capacity and protecting their
10 right to carry out political activities without re-
11 striction (other than reasonable administrative
12 requirements commonly applied in democratic
13 countries) and fostering the responsiveness of
14 such parties to the needs of the people of Paki-
15 stan;

16 (D) support for strengthening the capacity
17 of the civilian Government of Pakistan to carry
18 out its responsibilities, including supporting the
19 establishment of frameworks that promote gov-
20 ernment transparency and criminalize corrup-
21 tion in both the government and private sector,
22 audit offices, inspectors general offices, third
23 party monitoring of government procurement
24 processes, whistle-blower protections, and anti-
25 corruption agencies; and

1 *(E) in particular, support for efforts by the*
2 *Government of Pakistan to promote governance*
3 *reforms in the FATA, including—*

4 *(i) extension of the Political Parties*
5 *Act;*

6 *(ii) local experimentation with meth-*
7 *ods to transition from the FCR; and*

8 *(iii) long-term development of durable*
9 *and responsive political institutions.*

10 *(2) ENHANCEMENT AND STRENGTHENING OF THE*
11 *JUDICIAL SYSTEM AND LAW ENFORCEMENT.—To sup-*
12 *port, notwithstanding any other provision of law,*
13 *Pakistan’s efforts to expand the rule of law and build*
14 *the capacity, transparency, and trust in government*
15 *institutions, at the national, provincial, and local lev-*
16 *els, including assistance such as—*

17 *(A) support for the rule of law and systemic*
18 *improvement of judicial and criminal justice in-*
19 *stitutions, including—*

20 *(i) management of courts;*

21 *(ii) enhanced career opportunities and*
22 *professional training for judges, public de-*
23 *fenders, and prosecutors; and*

24 *(iii) efforts to enhance the rule of law*
25 *to all areas in Pakistan where the writ of*

1 *the government is under heightened chal-*
2 *lenge by terrorists and militants, including*
3 *through innovations in the delivery of judi-*
4 *cial services that enhance the legitimacy of*
5 *state institutions;*

6 *(B) support for professionalization of the*
7 *police, including—*

8 *(i) training regarding use of force;*

9 *(ii) education and training regarding*
10 *human rights;*

11 *(iii) training regarding evidence pres-*
12 *ervation and chain of custody; and*

13 *(iv) training regarding community po-*
14 *licing;*

15 *(C) support for independent law enforce-*
16 *ment agencies, such as the Intelligence Bureau of*
17 *the Ministry of Interior, responsive to civilian*
18 *control, including—*

19 *(i) enhanced coordination with judicial*
20 *processes;*

21 *(ii) enhancement of forensics capabili-*
22 *ties;*

23 *(iii) data collection and analyses;*

24 *(iv) case tracking and management;*

1 (v) *financial intelligence functions;*

2 *and*

3 (vi) *maintenance of data systems to*

4 *track terrorist of criminal activity; and*

5 (D) *strengthening the capacity of the police*

6 *and other civilian law enforcement agencies to*

7 *provide a robust response to threats from extrem-*

8 *ists and terrorists along the frontier and else-*

9 *where in Pakistan, including—*

10 (i) *the development of an elite rapid*

11 *reaction force which could be deployed on*

12 *short notice to secure areas that are threat-*

13 *ened by militancy; and*

14 (ii) *facilitating improved counterter-*

15 *rorism and counterinsurgency coordination*

16 *between local government officials, the po-*

17 *lice, paramilitary, and military leaders.*

18 (3) *SUPPORT FOR BROAD-BASED AND SUSTAIN-*

19 *ABLE ECONOMIC DEVELOPMENT.—To support eco-*

20 *nomie development in Pakistan by—*

21 (A) *promoting energy sector reform and de-*

22 *velopment;*

23 (B) *expanding assistance for agricultural*

24 *and rural development, including farm-to-market*

25 *roads, systems to prevent spoilage and waste,*

1 *and other small-scale infrastructure improve-*
2 *ments that will enhance supply and distribution*
3 *networks;*

4 *(C) increasing employment opportunities,*
5 *including support to small and medium enter-*
6 *prises, microfinance and microenterprise activi-*
7 *ties, and in particular programs to improve the*
8 *lives of women and girls; and*

9 *(D) increasing investment in infrastructure,*
10 *including construction of roads, water resource*
11 *management systems, irrigation channels, and*
12 *continued development of a national aviation in-*
13 *dustry and aviation infrastructure.*

14 *(4) SUPPORT TO INCREASE LOCAL CAPACITY.—*

15 *To increase the capacity and improve the sustain-*
16 *ability of Pakistan’s national, provincial, and local*
17 *governmental and nongovernmental institutions, in-*
18 *cluding assistance to—*

19 *(A) increase and improve the capacity of*
20 *Pakistan’s national, provincial, and local gov-*
21 *ernmental institutions by—*

22 *(i) providing technical assistance to all*
23 *ministries to improve transparency and*
24 *ability to respond to the needs of the people*
25 *of Pakistan; and*

1 (ii) promoting the implementation of
2 fiscal and personnel management, including
3 revenue tracking and expenditure systems;
4 and

5 (B) enhance the capacity of Pakistan's non-
6 governmental and civil society organizations to
7 respond to the needs of the people of Pakistan
8 by—

9 (i) increasing support for local non-
10 governmental organizations with dem-
11 onstrated experience in delivering services to
12 the people of Pakistan, particularly to
13 women, children, and other vulnerable pop-
14 ulations in Pakistan;

15 (ii) providing training and education
16 to local nongovernmental and civil society
17 organizations on ways to identify and im-
18 prove the delivery of services to the people
19 of Pakistan; and

20 (iii) promoting local ownership and
21 participation, including encouraging com-
22 munities to contribute a percentage of the
23 value of United States projects or activities
24 carried out under this title in the form of

1 labor, in-kind materials, or other provi-
2 sions.

3 (5) *SUPPORT FOR PUBLIC EDUCATION SYSTEM.*—

4 *To support Pakistan’s public education system, in-*
5 *cluding—*

6 (A) *implementation of a national education*
7 *strategy, to include both primary and secondary*
8 *education, focused on literacy and civic edu-*
9 *cation, including—*

10 (i) *programs to assist development of*
11 *modern, nationwide school curriculums for*
12 *public, private, and religious schools that*
13 *incorporate relevant subjects, such as math,*
14 *science, literature, and human rights aware-*
15 *ness, in addition to agricultural education*
16 *and training;*

17 (ii) *enhancement of civic education*
18 *programs focused on political participation,*
19 *democratic institutions, and tolerance of di-*
20 *verse ethnic and religious groups; and*

21 (iii) *support for the proper oversight of*
22 *all educational institutions, including*
23 *madrasas, as required by Pakistani law, in-*
24 *cluding registration with the Ministry of*
25 *Education and regular monitoring of cur-*

1 *riculum by the Ministry of Education to en-*
2 *sure students in Pakistan receive a com-*
3 *prehensive education;*

4 *(B) initiatives to enhance the access to edu-*
5 *cation for women and girls, and to increase*
6 *women's literacy, with special emphasis on help-*
7 *ing girls stay in school;*

8 *(C) funding to the Government of Pakistan*
9 *to use to increase immediately teacher salaries*
10 *and to recruit and train teachers and adminis-*
11 *trators, as well as develop formalized salary*
12 *scales with merit-based pay increases;*

13 *(D) establishment of vocational and tech-*
14 *nical programs to enhance employment opportu-*
15 *nities;*

16 *(E) encouragement of United States and*
17 *Pakistani public-private partnerships to increase*
18 *investment in higher education and technical*
19 *training opportunities;*

20 *(F) construction and maintenance of public*
21 *schools, including water sanitation, perimeter*
22 *walls, and recreation areas;*

23 *(G) provision of textbooks and other learn-*
24 *ing materials and food assistance for student*
25 *meals; and*

1 (H) provision of software to educational in-
2 stitutions and students at the lowest possible
3 cost, specifically targeting universities that spe-
4 cialize in information technology, and women's
5 colleges and women's secondary schools.

6 (6) *SUPPORT FOR HUMAN RIGHTS*.—To promote
7 respect for and compliance with internationally rec-
8 ognized human rights, including assistance such as—

9 (A) programs to strengthen civil society or-
10 ganizations that promote internationally recog-
11 nized human rights, including religious freedom,
12 freedom of expression, and freedom of associa-
13 tion, and that support human rights monitoring;

14 (B) promotion of education regarding inter-
15 nationally recognized human rights;

16 (C) programs designed to end traditional
17 practices and punishments that are inconsistent
18 with internationally recognized human rights
19 norms and protections, such as honor killings
20 and other forms of cruel and unusual punish-
21 ments;

22 (D) promotion of freedom of religion and
23 religious tolerance, protection of religious mi-
24 norities, and promotion of freedom of expression

1 *and association, including support for respon-*
2 *sible independent media;*

3 *(E) promotion of nongovernmental organi-*
4 *zations that focus on the protection of women*
5 *and girls, including women-led organizations*
6 *and programs that support the participation of*
7 *women in the national, provincial, and local po-*
8 *litical process, and programs to end violence*
9 *against women, including rape;*

10 *(F) technical, legal, and law enforcement*
11 *assistance for the investigation of past dis-*
12 *appearances of individuals in Pakistan and the*
13 *development of a national data base of such in-*
14 *dividuals; and*

15 *(G) programs in support and protection of*
16 *the rights of ethnic minorities in Pakistan, in-*
17 *cluding Baluchis, Sindhis, and Pashtuns, to pre-*
18 *serve their language, culture, traditional areas of*
19 *inhabitancy, and to fight any direct or indirect*
20 *discrimination.*

21 *(7) SUPPORT FOR REFUGEES AND INTERNALLY*
22 *DISPLACED PERSONS.—It is the sense of Congress*
23 *that—*

24 *(A) counterinsurgency operations being car-*
25 *ried out by the Government of Pakistan should*

1 *be designed to minimize civilian casualties and*
2 *collateral damage to the people of Pakistan and*
3 *to provide security for the delivery of humani-*
4 *tarian assistance to the affected civilian popu-*
5 *lation;*

6 *(B) the United States should continue to*
7 *provide robust assistance to the people of Paki-*
8 *stan who have been displaced as a result of ongo-*
9 *ing conflict and violence;*

10 *(C) the United States should support inter-*
11 *national efforts to coordinate assistance to refu-*
12 *gees and internally displaced persons in Paki-*
13 *stan, including by providing support to inter-*
14 *national and nongovernmental organizations for*
15 *this purpose;*

16 *(D) the Administrator of the United States*
17 *Agency for International Development should*
18 *support the development objectives of the Refugee*
19 *Affected and Host Areas (RAHA) Initiative in*
20 *Pakistan to address livelihoods, health, education,*
21 *infrastructure development, and environmental*
22 *restoration in identified parts of the country*
23 *where Afghan refugees have lived; and*

24 *(E) the Administrator of the United States*
25 *Agency for International Development should*

1 *evaluate the effectiveness of the livelihoods*
2 *projects in the FATA in order to determine*
3 *whether systems need to be put into place to im-*
4 *prove programming in this key sector.*

5 (8) *SUPPORT FOR HEALTHCARE EFFORTS.—To*
6 *provide urgently needed healthcare assistance to the*
7 *people of Pakistan, including assistance to supple-*
8 *ment the Government of Pakistan’s efforts to elimi-*
9 *nate diseases, including hepatitis.*

10 (9) *SUPPORT FOR PUBLIC DIPLOMACY.—To im-*
11 *plement a more effective public diplomacy strategy in*
12 *Pakistan in order to ensure that the Pakistani public*
13 *recognizes that it is in Pakistan’s own interest to*
14 *partner with the United States and other like-minded*
15 *countries to combat militant extremism, as well as to*
16 *promote a better understanding of the United States,*
17 *including through the following:*

18 (A) *Partnering with the Government of*
19 *Pakistan to highlight the negative behavior of in-*
20 *surgent groups and to encourage civil society, re-*
21 *spected scholars, and other leaders to speak out*
22 *against militancy and violence.*

23 (B) *Providing technical assistance to the*
24 *Government of Pakistan to both disrupt and pro-*
25 *vide alternatives to the illegal FM radio stations*

1 *used by insurgent groups in the FATA and adja-*
2 *cent districts of the NWFP.*

3 *(C) Expanded exchange activities under the*
4 *Fulbright Program, the International Visitor*
5 *Leadership Program, the Youth Exchange and*
6 *Study Program, and related programs adminis-*
7 *tered by the Department of State designed to*
8 *promote mutual understanding and interfaith*
9 *dialogue.*

10 *(D) Expansion of sister institution pro-*
11 *grams between United States and Pakistani*
12 *schools and universities, towns and cities, and*
13 *other organizations in such fields as medicine*
14 *and healthcare, business management, environ-*
15 *mental protection, information technology, and*
16 *agriculture.*

17 *(E) Additional scholarships to enable stu-*
18 *dents to study in the United States.*

19 **SEC. 103. MULTILATERAL SUPPORT FOR PAKISTAN.**

20 *To the extent that Pakistan continues to evolve toward*
21 *civilian control of the government and to develop and im-*
22 *plement comprehensive economic reform programs, the*
23 *President should do the following:*

24 *(1) MULTILATERAL SUPPORT.—Take the lead in*
25 *mobilizing international financial institutions, in*

1 *particular the International Monetary Fund and af-*
 2 *filiated institutions in the World Bank group, to pro-*
 3 *vide timely and appropriate resources to help Paki-*
 4 *stan.*

5 (2) *STABILIZATION ASSISTANCE.*—*In conjunction*
 6 *with other governments and international financial*
 7 *institutions (including the International Monetary*
 8 *Fund), support the implementation of a plan of the*
 9 *Government of Pakistan to attack structural economic*
 10 *problems, address pressing social problems, carry out*
 11 *comprehensive economic reform, and relieve imme-*
 12 *diate and urgent balance of payments requirements in*
 13 *Pakistan.*

14 (3) *CURRENCY STABILIZATION LOANS.*—*Provide*
 15 *leadership in supporting multilateral agreements to*
 16 *provide government-to-government loans for currency*
 17 *stabilization in Pakistan if the loans can reduce in-*
 18 *flation and thereby foster conditions necessary for the*
 19 *effective implementation of economic reforms.*

20 **SEC. 104. PAKISTAN DEMOCRACY AND PROSPERITY FUND.**

21 (a) *ESTABLISHMENT OF FUND.*—*There is established*
 22 *in the Treasury of the United States a fund to be known*
 23 *as the “Pakistan Democracy and Prosperity Fund” (herein-*
 24 *after in this section referred to as the “Fund”), consisting*
 25 *of such amounts as may be appropriated or transferred to*

1 *the Fund as provided in this section and which may be*
2 *used for purposes of this title.*

3 (b) *TRANSFERS TO FUND.—The Fund shall consist of*
4 *the following:*

5 (1) *Amounts appropriated to carry out this title.*

6 (2) *Amounts appropriated on or after the date of*
7 *the enactment of this Act for “Development Assist-*
8 *ance”, “Global Health and Child Survival”, and the*
9 *“Economic Support Fund” for assistance for Paki-*
10 *stan under the Foreign Assistance Act of 1961 (22*
11 *U.S.C. 2151 et seq.) that are transferred by the Presi-*
12 *dent to the Fund pursuant to subsection (d).*

13 (3) *To the extent or in the amounts provided in*
14 *advance in appropriations Acts, amounts accepted by*
15 *the President under subsection (c) that are transferred*
16 *by the President to the Fund pursuant to subsection*
17 *(d).*

18 (c) *ACCEPTANCE OF AMOUNTS FROM OUTSIDE*
19 *SOURCES.—The President may accept funds from non-*
20 *United States Government sources, including foreign gov-*
21 *ernments, nongovernmental organizations, private business*
22 *entities, and private individuals, for purposes of carrying*
23 *out this title.*

24 (d) *STATUS OF AVAILABILITY OF AMOUNTS IN*
25 *FUND.—The President is authorized to transfer to the Fund*

1 *amounts under paragraphs (2) and (3) of subsection (b).*
 2 *Such amounts shall be merged with and shall be available*
 3 *for any purpose for which any of the amounts so transferred*
 4 *are available.*

5 *(e) REPORT.—The President shall transmit to the ap-*
 6 *propriate congressional committees not later than 180 days*
 7 *after the date of the enactment of this Act, and every 180*
 8 *days thereafter until September 30, 2018, a report on pro-*
 9 *grams, projects, and activities carried out using amounts*
 10 *obligated and expended from the Fund.*

11 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

12 *(a) IN GENERAL.—There are authorized to be appro-*
 13 *priated to the President to carry out this title*
 14 *\$1,500,000,000 for each of the fiscal years 2010 through*
 15 *2013.*

16 *(b) AVAILABILITY.—Amounts authorized to be appro-*
 17 *priated to carry out this title for a fiscal year are—*

18 *(1) authorized to remain available until Sep-*
 19 *tember 30 of the succeeding fiscal year; and*

20 *(2) in addition to amounts otherwise available*
 21 *for such purposes.*

22 *(c) SENSE OF THE CONGRESS.—It is the sense of Con-*
 23 *gress that United States assistance provided under this title*
 24 *should be made available on a proportional and equitable*
 25 *basis between the FATA and other regions of Pakistan.*

1 ***TITLE II—SECURITY ASSISTANCE***
2 ***FOR PAKISTAN***

3 ***SEC. 201. SENSE OF CONGRESS.***

4 *It is the sense of Congress that—*

5 *(1) United States security assistance for Paki-*
6 *stan should be used to improve relationships between*
7 *United States military and Pakistani military per-*
8 *sonnel, including outreach to the “lost generation” of*
9 *Pakistan’s officers who did not attend United States-*
10 *sponsored training as a result of restrictions placed*
11 *on United States assistance for Pakistan due to Paki-*
12 *stan’s possession of a nuclear device; and*

13 *(2) United States security assistance for Paki-*
14 *stan should be fully accountable, should be contingent*
15 *on Pakistan ending support for terrorist groups, and*
16 *should meet the national security needs of Pakistan.*

17 ***SEC. 202. PURPOSES OF ASSISTANCE.***

18 *The purposes of assistance under this title are—*

19 *(1) to support Pakistan’s paramount national*
20 *security need to fight and win the ongoing counter-*
21 *insurgency within its borders;*

22 *(2) to work with the Government of Pakistan to*
23 *protect and secure Pakistan’s borders and prevent*
24 *any Pakistani territory from being used as a base or*
25 *conduit for terrorist attacks in Pakistan, or elsewhere;*

1 (3) *to work in close cooperation with the Govern-*
 2 *ment of Pakistan to coordinate action against extrem-*
 3 *ist and terrorist targets; and*

4 (4) *to develop knowledge of and appreciation for*
 5 *democratic governance and a military that is con-*
 6 *trolled by and responsible to democratically elected ci-*
 7 *vilian leadership.*

8 **SEC. 203. AUTHORIZATION OF ASSISTANCE.**

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

11 (1) *IN GENERAL.—Of the amounts authorized to*
 12 *be appropriated to carry out this title for a fiscal*
 13 *year, not less than \$4,000,000 is authorized be made*
 14 *available for assistance under chapter 5 of part II of*
 15 *the Foreign Assistance Act of 1961 (22 U.S.C. 2347*
 16 *et seq.; relating to international military education*
 17 *and training) for Pakistan, including expanded inter-*
 18 *national military education and training (commonly*
 19 *known as “E-IMET”).*

20 (2) *USE OF FUNDS.—Not less than 30 percent of*
 21 *the amount authorized to be made available under*
 22 *this subsection for a fiscal year is authorized to be*
 23 *used to pay for courses of study and training in*
 24 *counterinsurgency and civil-military relations.*

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

1 (1) *IN GENERAL.*—Of the amounts authorized to
2 be appropriated to carry out this title for a fiscal
3 year, not less than \$300,000,000 is authorized to be
4 made available for grant assistance under section 23
5 of the Arms Export Control Act (22 U.S.C. 2763; re-
6 lating to the Foreign Military Financing program)
7 for the purchase of defense articles, defense services,
8 and military education and training for Pakistan.

9 (2) *USE OF FUNDS.*—Not less than 75 percent of
10 the amount authorized to be made available under
11 this subsection for a fiscal year is authorized to be
12 used for the purchase of defense articles, defense serv-
13 ices, and military education and training for activi-
14 ties relating to counterinsurgency and counterter-
15 rorism operations in Pakistan. Such articles, services,
16 and military education and training may include the
17 following:

18 (A) *Aviation maintenance and logistics*
19 *support for United States-origin and United*
20 *States-supported rotary wing aircraft and up-*
21 *grades to such aircraft to include modern night*
22 *vision and targeting capabilities.*

23 (B) *Intelligence, surveillance, and recon-*
24 *naissance (ISR) ground and air manned and*
25 *unmanned platforms, including sustainment.*

1 (C) *Command and control capabilities.*

2 (D) *Force protection and counter impro-*
3 *vised explosive device capabilities, including pro-*
4 *tection of vehicles.*

5 (E) *Protective equipment, such as body*
6 *armor and helmets, night vision goggles, and*
7 *other individual equipment, including load-bear-*
8 *ing equipment, individual and unit level first*
9 *aid equipment, ballistic eye protection, and cold*
10 *weather equipment.*

11 (F) *Appropriate individual and unit level*
12 *medical services and articles for the Pakistan*
13 *Army, the Pakistan Frontier Corps, and other*
14 *appropriate security forces.*

15 (G) *Assistance to enable the Pakistani mili-*
16 *tary to distribute humanitarian assistance and*
17 *establish a tactical civil-military operations ca-*
18 *pability, including a civil affairs directorate.*

19 (3) *RESTRICTION RELATING TO F-16 PRO-*
20 *GRAM.—*

21 (A) *CONGRESSIONAL FINDING.—In accord-*
22 *ance with the Letters of Offer and Acceptance*
23 *signed between the United States and Pakistan*
24 *in 2006, Congress finds that the Government of*
25 *Pakistan is responsible for making the remain-*

1 *ing payments of the F-16 sale with its own na-*
2 *tional funds.*

3 (B) *RESTRICTION.*—*Subject to subpara-*
4 *graph (C), amounts authorized to be made avail-*
5 *able under this subsection or section 204 for a*
6 *fiscal year may not be used for the purchase of,*
7 *or upgrade to, F-16 fighter aircraft or muni-*
8 *tions for such aircraft.*

9 (C) *EXCEPTION.*—*Amounts authorized to be*
10 *made available under this subsection for a fiscal*
11 *year are authorized to be used for military con-*
12 *struction pursuant to the security plan con-*
13 *tained in the Letters of Offer and Acceptance*
14 *signed between the United States and Pakistan*
15 *in 2006.*

16 (D) *WAIVER.*—*The President may waive the*
17 *restriction under subparagraph (B) with respect*
18 *to amounts authorized to be made available*
19 *under this subsection for a fiscal year, other than*
20 *amounts authorized to be made available under*
21 *paragraph (2) of this subsection, if the President*
22 *certifies to the appropriate congressional com-*
23 *mittees not later than 15 days prior to exercising*
24 *the authority of this subparagraph that the*

1 waiver is important to the national security in-
2 terests of the United States.

3 (4) *SECURITY ASSISTANCE PLAN.*—Not later
4 than 180 days after the date of the enactment of this
5 Act, the President shall transmit to the appropriate
6 congressional committees a plan for the proposed use
7 of amounts authorized to be made available under
8 this subsection for each of the fiscal years 2010
9 through 2013. Such plan may be transmitted to the
10 appropriate congressional committees in conjunction
11 with the plan required under section 204(f)(1).

12 (5) *DEFINITIONS.*—In this section, the terms
13 “defense articles”, “defense services”, and “military
14 education and training” have the meaning given such
15 terms in section 644 of the Foreign Assistance Act of
16 1961 (22 U.S.C. 2403).

17 (c) *SENSE OF CONGRESS.*—It is the sense of Congress
18 that the United States should facilitate Pakistan’s establish-
19 ment of a program to enable the Pakistani military to pro-
20 vide reconstruction assistance in areas damaged by combat
21 operations.

22 **SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITIES**
23 **FUND.**

24 (a) *ESTABLISHMENT OF FUND.*—There is established
25 in the Treasury of the United States a fund to be known

1 as the “Pakistan Counterinsurgency Capabilities Fund”
2 (hereinafter in this section referred to as the “Fund” or the
3 “PCCF”), consisting of such amounts as may be appro-
4 priated or transferred to the Fund as provided in this sec-
5 tion.

6 (b) *TRANSFERS TO FUND.*—The PCCF shall consist of
7 the following:

8 (1) Amounts appropriated to carry out this sec-
9 tion.

10 (2) Amounts appropriated on or after the date of
11 the enactment of this Act to carry out the provisions
12 of chapter 8 of part I and chapters 2, 5, 6, and 8 of
13 part II of the Foreign Assistance Act of 1961 and sec-
14 tion 23 of the Arms Export Control Act for assistance
15 for enhancing counterinsurgency capabilities of Paki-
16 stan that are transferred by the President to the Fund
17 pursuant to subsection (e).

18 (c) *PURPOSES OF FUND.*—Amounts in the Fund are
19 authorized to be used by the Secretary of State, with the
20 concurrence of the Secretary of Defense, to enhance the ca-
21 pability of Pakistan to conduct counterinsurgency and
22 counterterrorism operations, including—

23 (1) the training and equipping of the armed
24 forces of Pakistan, including the articles, services, and

1 *military education and training described in section*
2 *203(b)(2);*

3 *(2) the training and equipping of paramilitary*
4 *and other security forces, including the Frontier*
5 *Corps, and, on an exceptional basis, irregular secu-*
6 *rity forces; and*

7 *(3) building the capability of the forces described*
8 *in paragraphs (1) and (2) to respond to urgent hu-*
9 *manitarian relief and reconstruction requirements*
10 *that will immediately assist those civilians affected by*
11 *military operations.*

12 *(d) ADDITIONAL AUTHORITY.—*

13 *(1) IN GENERAL.—Except as provided in section*
14 *3(a)(2) of the Arms Export Control Act and except as*
15 *otherwise provided in this title, amounts in the Fund*
16 *shall be available notwithstanding any other provi-*
17 *sion of law.*

18 *(2) AVAILABILITY.—Amounts in the Fund shall*
19 *be available in the fiscal year they were appropriated*
20 *and the succeeding fiscal year.*

21 *(e) TRANSFER AUTHORITY.—*

22 *(1) IN GENERAL.—The Secretary of State may*
23 *transfer amounts appropriated for Pakistan pursuant*
24 *to the provisions of law described in subsection (b)(2)*
25 *to the Fund. Such funds shall be merged with*

1 *amounts in the Fund and shall be available for any*
2 *purpose for which any of the amounts so transferred*
3 *are available.*

4 (2) *TO OTHER AGENCIES.—The Secretary of*
5 *State may transfer amounts in the Fund to the De-*
6 *partment of Defense or any other Federal department*
7 *or agency, with the concurrence of the head of such*
8 *department or agency, to enable such departments*
9 *and agencies to support Pakistan's counterinsurgency*
10 *operations, and such amounts may be merged with*
11 *and be available for the same purposes and for the*
12 *same time period as the appropriation or fund to*
13 *which transferred or may be transferred pursuant to*
14 *the authorities contained in the Foreign Assistance*
15 *Act of 1961.*

16 (3) *NOTIFICATION.—The Secretary of State shall,*
17 *not less than 15 days prior to making transfers from*
18 *Fund, notify the appropriate congressional commit-*
19 *tees in writing of the details of any such transfer. If*
20 *the Secretary determines that it is in the national se-*
21 *curity interest of the United States to transfer such*
22 *funds immediately, the Secretary shall notify the ap-*
23 *propriate congressional committees not later than 5*
24 *days after the transfer of such funds.*

1 (4) *RETRANSFER.*—Upon determination by the
 2 Secretary of Defense or head of any other Federal de-
 3 partment or agency, with the concurrence of the Sec-
 4 retary of State, that all or part of the funds trans-
 5 ferred from the Fund pursuant to paragraph (2) are
 6 not necessary for the purposes described in subsection
 7 (c), such amounts may be transferred by the head of
 8 the relevant Federal department or agency back to the
 9 Fund and shall be available for the same purposes
 10 and for the same time period as originally appro-
 11 priated.

12 (5) *RELATIONSHIP TO OTHER LAWS.*—The au-
 13 thority of this section is in addition to transfer au-
 14 thorities provided in the Foreign Assistance Act of
 15 1961 or under any other provision of law.

16 (f) *REPORT.*—

17 (1) *INITIAL SPENDING PLAN.*—Not later than
 18 180 days after the date of the enactment of this Act,
 19 the Secretary of State shall submit to the appropriate
 20 congressional committees an initial spending plan for
 21 the any amounts in the Fund.

22 (2) *IMPLEMENTATION.*—Not later than April 1,
 23 2010, and every six months thereafter through Sep-
 24 tember 30, 2013, the Secretary shall submit to the ap-
 25 propriate congressional committees a report summa-

1 *rizing, on a project-by-project basis, the activities car-*
 2 *ried out by the Fund, including a description of pro-*
 3 *visions of law waived to carry out such activities.*

4 *(g) SUBMISSION OF REPORTS AND NOTIFICATIONS.—*
 5 *Any report or notification required by this section shall be*
 6 *submitted in classified form, but may include a unclassified*
 7 *annex if necessary.*

8 *(h) APPROPRIATE CONGRESSIONAL COMMITTEES DE-*
 9 *FINED.—In this section, the term “appropriate congres-*
 10 *sional committees” means—*

11 *(1) the Committee on Appropriations, the Com-*
 12 *mittee on Armed Services, and the Committee on For-*
 13 *oreign Affairs of the House of Representatives; and*

14 *(2) the Committee on Appropriations, the Com-*
 15 *mittee on Armed Services, and the Committee on For-*
 16 *oreign Relations of the Senate.*

17 *(i) AUTHORIZATION OF APPROPRIATIONS.—There is*
 18 *authorized to be appropriated for the Fund \$700,000,000*
 19 *for fiscal year 2010 and such sums as may be necessary*
 20 *for each of the fiscal years 2011 through 2013.*

21 **SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND**
 22 **CIVILIAN PERSONNEL OF PAKISTAN AND**
 23 **CERTAIN OTHER COUNTRIES.**

24 *(a) IN GENERAL.—The Secretary of State is author-*
 25 *ized to establish an exchange program between—*

1 (1) *military and civilian personnel of Pakistan,*
 2 *and*

3 (2)(A) *military and civilian personnel of coun-*
 4 *tries determined by the Secretary of State to be in*
 5 *transition to democracy, or*

6 (B) *military and civilian personnel of North At-*
 7 *lantic Treaty Organization member countries,*

8 *in order to foster greater respect for and understanding of*
 9 *the principle of civilian rule of Pakistan's military. The*
 10 *program established under this subsection shall be known*
 11 *as the "Pakistan Military Transition Program".*

12 (b) *ELEMENTS OF PROGRAM.—The program author-*
 13 *ized under subsection (a) may include—*

14 (1) *conferences, seminars, and other events;*

15 (2) *distribution of publications; and*

16 (3) *reimbursement of expenses of foreign military*
 17 *personnel participating in the program, including*
 18 *transportation expenses, translation services expenses,*
 19 *and administrative expenses relating to the program.*

20 (c) *ROLE OF NONGOVERNMENTAL ORGANIZATIONS.—*
 21 *Amounts authorized to be appropriated to carry out this*
 22 *title for a fiscal year are authorized to be made available*
 23 *for nongovernmental organizations to facilitate the imple-*
 24 *mentation of the program authorized under subsection (a).*

1 **SEC. 206. LIMITATION ON UNITED STATES MILITARY AS-**
2 **SISTANCE TO PAKISTAN.**

3 (a) *PROHIBITION ON USE OF FUNDS.*—None of the
4 funds authorized to be appropriated for military assistance
5 to Pakistan for fiscal year 2011 and each fiscal year there-
6 after may be obligated or expended if the President has not
7 made the determinations described in subsection (b) for such
8 fiscal year.

9 (b) *DETERMINATIONS REGARDING ENHANCED CO-*
10 *OPERATION BETWEEN THE UNITED STATES AND PAKI-*
11 *STAN.*—The determinations referred to in subsection (a)
12 are—

13 (1) a determination by the President at the be-
14 ginning of each fiscal year that the Government of
15 Pakistan is continuing to cooperate with the United
16 States in efforts to dismantle supplier networks relat-
17 ing to the acquisition of nuclear weapons-related ma-
18 terials, including, as necessary, providing direct ac-
19 cess to Pakistani nationals associated with such net-
20 works; and

21 (2) a determination by the President at the be-
22 ginning of each fiscal year that the Government of
23 Pakistan during the preceding fiscal year has dem-
24 onstrated a sustained commitment to and making
25 progress towards combating terrorist groups, includ-

1 *ing taking into account the progress the Government*
2 *of Pakistan has made with regard to—*

3 *(A) ceasing support, including by any ele-*
4 *ments within the Pakistan military or its intel-*
5 *ligence agency, to extremist and terrorist groups,*
6 *particularly to any group that has conducted at-*
7 *tacks against United States or coalition forces in*
8 *Afghanistan, or against the territory or people of*
9 *neighboring countries;*

10 *(B) closing terrorist camps in the FATA,*
11 *dismantling terrorist bases of operations in other*
12 *parts of the country, including Quetta and*
13 *Muridke, and taking action when provided with*
14 *intelligence about high-level terrorist targets;*

15 *(C) preventing cross-border attacks into*
16 *neighboring countries; and*

17 *(D) strengthening counter-terrorism and*
18 *anti-money laundering laws.*

19 *(c) WAIVER.—The President may waive the restriction*
20 *under subsection (a) for any fiscal year if the President*
21 *certifies to the appropriate congressional committees 15*
22 *days before the President exercises the authority of this sub-*
23 *section that the provision of military assistance to Pakistan*
24 *is important to the national security interests of the United*
25 *States.*

1 (d) *CONSULTATION AND WRITTEN JUSTIFICATION.*—
 2 *Not later than 5 days prior to making a determination de-*
 3 *scribed in subsection (b), the President shall consult with*
 4 *the appropriate congressional committees and, upon mak-*
 5 *ing such determination, shall submit to the appropriate*
 6 *congressional committees a written justification that speci-*
 7 *fies the basis upon which the President made such a deter-*
 8 *mination, including an acknowledgment of the extent to*
 9 *which the Government of Pakistan has made progress with*
 10 *regard to subsection (b)(2). The justification shall be unclas-*
 11 *sified but may include a classified annex.*

12 (e) *DEFINITIONS.*—*For purposes of this section—*

13 (1) *the term “appropriate congressional commit-*
 14 *tees” means the Committees on Foreign Affairs and*
 15 *Armed Services of the House of Representatives and*
 16 *the Committees on Foreign Relations and Armed*
 17 *Services of the Senate; and*

18 (2) *the term “military assistance”—*

19 (A) *means assistance authorized under sec-*
 20 *tion 23 of the Arms Export Control Act (22*
 21 *U.S.C. 2763; relating to the Foreign Military Fi-*
 22 *nancing program), including assistance author-*
 23 *ized under section 203(b) of this Act, assistance*
 24 *authorized under section 204 of this Act, and as-*
 25 *stance authorized under part II of the Foreign*

1 *Assistance Act of 1961 (22 U.S.C. 2301 et seq.),*
 2 *other than assistance authorized under chapter 5*
 3 *of part II of such Act (22 U.S.C. 2347 et seq.);*
 4 *but*

5 *(B) does not include assistance authorized*
 6 *under any provision of law that is funded from*
 7 *accounts within budget function 050 (National*
 8 *Defense).*

9 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

10 *(a) IN GENERAL.—There are authorized to be appro-*
 11 *priated to the President to carry out this title, other than*
 12 *section 204, \$400,000,000 for each of the fiscal years 2010*
 13 *through 2013.*

14 *(b) RELATION TO OTHER AVAILABLE FUNDS.—*
 15 *Amounts authorized to be appropriated to carry out this*
 16 *title for a fiscal year are in addition to amounts otherwise*
 17 *available for such purposes.*

18 **TITLE III—MISCELLANEOUS**
 19 **PROVISIONS**

20 **SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRAT-**
 21 **EGY.**

22 *(a) SENSE OF CONGRESS.—It is the sense of Congress*
 23 *that the achievement of United States national security*
 24 *goals to eliminate terrorist threats and close safe havens in*
 25 *Pakistan requires the development of a comprehensive plan*

1 *that utilizes all elements of national power, including in*
 2 *coordination and cooperation with other concerned govern-*
 3 *ments, and that it is critical to Pakistan's long-term pros-*
 4 *perity and security to strengthen regional relationships*
 5 *among India, Pakistan, and Afghanistan.*

6 (b) *COMPREHENSIVE REGIONAL SECURITY STRAT-*
 7 *EGY.—The President shall develop a comprehensive regional*
 8 *security strategy to eliminate terrorist threats and close safe*
 9 *havens in Pakistan, including by working with the Govern-*
 10 *ment of Pakistan and other relevant governments and orga-*
 11 *nizations in the region and elsewhere, as appropriate, to*
 12 *best implement effective counterinsurgency and counterter-*
 13 *rorism efforts in and near the border areas of Pakistan and*
 14 *Afghanistan, including the FATA, NWFP, parts of*
 15 *Balochistan, and parts of Punjab.*

16 (c) *REPORT.—*

17 (1) *IN GENERAL.—Not later than 180 days after*
 18 *the date of the enactment of this Act, the President*
 19 *shall transmit to the appropriate congressional com-*
 20 *mittees a report on the comprehensive regional secu-*
 21 *rity strategy required under subsection (b).*

22 (2) *CONTENTS.—The report shall include a copy*
 23 *of the comprehensive regional security strategy, in-*
 24 *cluding specifications of goals, and proposed timelines*
 25 *and budgets for implementation of the strategy.*

1 (d) *DEFINITION.*—For purposes of this section, the
2 term “appropriate congressional committees” means the
3 Committees on Foreign Affairs and Armed Services of the
4 House of Representatives and the Committees on Foreign
5 Relations and Armed Services of the Senate.

6 **SEC. 302. MONITORING AND EVALUATION OF ASSISTANCE.**

7 (a) *DEFINITIONS.*—In this section:

8 (1) *IMPACT EVALUATION RESEARCH.*—The term
9 “impact evaluation research” means the application
10 of research methods and statistical analysis to meas-
11 ure the extent to which change in a population-based
12 outcome can be attributed to program intervention in-
13 stead of other environmental factors.

14 (2) *OPERATIONS RESEARCH.*—The term “oper-
15 ations research” means the application of social
16 science research methods, statistical analysis, and
17 other appropriate scientific methods to judge, com-
18 pare, and improve policies and program outcomes,
19 from the earliest stages of defining and designing pro-
20 grams through their development and implementa-
21 tion, with the objective of the rapid dissemination of
22 conclusions and concrete impact on programming.

23 (3) *PROGRAM MONITORING.*—The term “program
24 monitoring” means the collection, analysis, and use of

1 *routine program data to determine how well a pro-*
2 *gram is carried out and how much the program costs.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that—*

5 *(1) to successfully enhance democracy and the*
6 *rule of law in Pakistan, defeat extremist elements,*
7 *and ensure the protection of human rights, the Presi-*
8 *dent should establish a program to conduct impact*
9 *evaluation research, operations research, and program*
10 *monitoring to ensure effectiveness of assistance pro-*
11 *vided under title I of this Act;*

12 *(2) long-term solutions to Pakistan's security*
13 *problems depend on increasing the effectiveness and*
14 *responsiveness of civilian institutions in Pakistan, in-*
15 *cluding the parliament and judicial system;*

16 *(3) a specific program of impact evaluation re-*
17 *search, operations research, and program monitoring,*
18 *established at the inception of the program, is re-*
19 *quired to permit assessment of the operational effec-*
20 *tiveness of impact of United States assistance towards*
21 *these goals; and*

22 *(4) the President, in developing performance*
23 *measurement methods under the impact evaluation*
24 *research, operations research, and program moni-*
25 *toring, should consult with the appropriate congres-*

1 sional committees as well as the Government of Paki-
 2 stan.

3 (c) *IMPACT EVALUATION RESEARCH, OPERATIONS RE-*
 4 *SEARCH AND PROGRAM MONITORING OF ASSISTANCE.*—The
 5 President shall establish and implement a program to assess
 6 the effectiveness of assistance provided under title I of this
 7 Act through impact evaluation research on a selected set
 8 of programmatic interventions, operations research in areas
 9 to ensure efficiency and effectiveness of program implemen-
 10 tation, and monitoring to ensure timely and transparent
 11 delivery of assistance.

12 (d) *REQUIREMENTS.*—The program required under
 13 subsection (c) shall include—

14 (1) a delineation of key impact evaluation re-
 15 search and operations research questions for main
 16 components of assistance provided under title I of this
 17 Act;

18 (2) an identification of measurable performance
 19 goals for each of the main components of assistance
 20 provided under title I of this Act to be expressed in
 21 an objective and quantifiable form at the inception of
 22 the program;

23 (3) the use of appropriate methods, based on rig-
 24 orous social science tools, to measure program impact
 25 and operational efficiency; and

1 (4) *adherence to a high standard of evidence in*
2 *developing recommendations for adjustments to the*
3 *assistance to enhance the impact of the assistance.*

4 (e) *ASSISTANCE TO ENHANCE THE CAPACITY OF PAKI-*
5 *STAN.—In carrying out the program required under sub-*
6 *section (c), the President is authorized to provide assistance*
7 *to enhance the capacity of the Government of Pakistan to*
8 *monitor and evaluate programs carried out by the national,*
9 *provincial, and local governments in Pakistan in order to*
10 *maximize the long-term sustainable development impact of*
11 *such programs.*

12 (f) *CONSULTATION WITH CONGRESS.—Not later than*
13 *120 days after the date of the enactment of this Act, the*
14 *President shall brief and consult with the appropriate con-*
15 *gressional committees regarding the progress in establishing*
16 *and implementing the program required under subsection*
17 *(c).*

18 (g) *AUTHORIZATION OF APPROPRIATIONS.—Of the*
19 *amounts authorized to be appropriated under section 105*
20 *for each of the fiscal years 2010 through 2013, up to 5 per-*
21 *cent of such amounts for such fiscal year is authorized to*
22 *be made available to carry out this section for the fiscal*
23 *year.*

1 **SEC. 303. AUDITING.**

2 (a) *ASSISTANCE AUTHORIZED.*—*The Inspector Gen-*
3 *eral of the Department of State and the Inspector General*
4 *of the United States Agency for International Development*
5 *shall audit, investigate, and oversee the obligation and ex-*
6 *penditure of funds to carry out title I of this Act.*

7 (b) *REQUIREMENT FOR IN-COUNTRY PRESENCE.*—*The*
8 *Inspector General of the Department of State and the In-*
9 *spector General of the United States Agency for Inter-*
10 *national Development, after consultation with the Secretary*
11 *of State and the Administrator of the United States Agency*
12 *for International Development, are authorized to establish*
13 *field offices in Pakistan with sufficient staff from each of*
14 *the Offices of the Inspector General in Pakistan respectively*
15 *to carry out subsection (a).*

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—

17 (1) *IN GENERAL.*—*Of the amounts authorized to*
18 *be appropriated under section 105 for each of the fis-*
19 *cal years 2010 through 2013, not less than \$2,000,000*
20 *for each fiscal year is authorized to be made available*
21 *to the Office of the Inspector General of the Depart-*
22 *ment of State and not less than \$2,000,000 for each*
23 *fiscal year is authorized to be made available to the*
24 *Office of the Inspector General of the United States*
25 *Agency for International Development to carry out*
26 *this section.*

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

5 **SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF**
6 **UNITED STATES ASSISTANCE FOR PAKISTAN.**

7 (a) *REQUIREMENTS.*—*Any direct assistance provided*
8 *or payments made on or after January 1, 2010, by the*
9 *United States to the Government of Pakistan, and any in-*
10 *formation required by the United States prior to providing*
11 *the assistance or making the payments, may only be pro-*
12 *vided or made to, or received from, civilian authorities of*
13 *a government of Pakistan constituted through a free and*
14 *fair election. For purposes of this subsection, a government*
15 *of Pakistan constituted through a free and fair election is*
16 *a government that is determined by the President to have*
17 *been elected in a free and fair manner, taking into account*
18 *the laws and constitution of Pakistan and internationally*
19 *recognized standards.*

20 (b) *WAIVER.*—*The President may waive—*

21 (1) *the requirements under subsection (a), or*

22 (2) *the requirements under any other provision*
23 *of law that restricts assistance to the government of*
24 *any country whose duly elected head of government is*
25 *deposed by military coup or decree, as such provision*

1 *of law applies with respect to the Government of*
 2 *Pakistan,*
 3 *if the President certifies to the appropriate congressional*
 4 *committees that the waiver is important to the national se-*
 5 *curity interests of the United States.*

6 *(c) RULE OF CONSTRUCTION.—Nothing in this section*
 7 *shall apply with respect to any activities subject to report-*
 8 *ing requirements under title V of the National Security Act*
 9 *of 1947 (50 U.S.C. 413 et seq.).*

10 *(d) DEFINITION.—In this section, the term “appro-*
 11 *priate congressional committees” means the Committees on*
 12 *Appropriations, Armed Services, and Foreign Affairs of the*
 13 *House of Representatives and the Committees on Appro-*
 14 *priations, Armed Services, and Foreign Relations of the*
 15 *Senate.*

16 **SEC. 305. SENSE OF CONGRESS.**

17 *It is the sense of Congress that—*

18 *(1) the Secretary of State, with the concurrence*
 19 *of the Secretary of Defense, should establish a coordi-*
 20 *nated, strategic communications strategy to engage*
 21 *the people of Pakistan—one that is fully funded,*
 22 *staffed, and implemented—to help ensure the success*
 23 *of the measures authorized by this Act; and*

24 *(2) the strategy should have clear and achievable*
 25 *objectives, based on available resources, and should be*

1 *overseen by the United States Chief of Mission in*
2 *Pakistan.*

3 **SEC. 306. REPORTS.**

4 *(a) REPORT BY PRESIDENT.—*

5 *(1) IN GENERAL.—The President shall transmit*
6 *to the appropriate congressional committees a report*
7 *on assistance provided under titles I and II of this*
8 *Act during the preceding fiscal year. The first report*
9 *shall be transmitted not later than 180 days after the*
10 *date of the enactment of this Act and subsequent re-*
11 *ports shall be transmitted not later than December 31*
12 *of each year thereafter.*

13 *(2) MATTERS TO BE INCLUDED.—The report re-*
14 *quired under subsection (a) shall include the fol-*
15 *lowing:*

16 *(A) A detailed description of the assistance*
17 *by program, project, and activity, as well as by*
18 *geographic area.*

19 *(B) A general description of the perform-*
20 *ance goals established under section 302 and the*
21 *progress made in meeting the goals.*

22 *(C) An evaluation of efforts undertaken by*
23 *the Government of Pakistan to—*

24 *(i) disrupt, dismantle, and defeat al*
25 *Qaeda, the Taliban, and other extremist*

1 *and terrorist groups in the FATA and set-*
2 *tled areas;*

3 (ii) *close terrorist camps, including*
4 *those of Jamaat-ud-Dawa, Lashkar-e-Taiba,*
5 *and Jaish-e-Mohammed;*

6 (iii) *cease all support for extremist and*
7 *terrorist groups;*

8 (iv) *prevent cross-border attacks;*

9 (v) *increase oversight over curriculum*
10 *in madrasas, including closing madrasas*
11 *with direct links to the Taliban or other ex-*
12 *tremist and terrorist groups; and*

13 (vi) *improve counter-terrorism financ-*
14 *ing and anti-money laundering laws, apply*
15 *for observer status for the Financial Action*
16 *Task Force, and steps taken to adhere to the*
17 *United Nations International Convention*
18 *for the Suppression of Financing of Ter-*
19 *rorism.*

20 (D) *A detailed description of Pakistan's ef-*
21 *forts to prevent proliferation of nuclear-related*
22 *material and expertise.*

23 (E) *An assessment of whether assistance*
24 *provided to Pakistan pursuant to this Act has*
25 *directly or indirectly aided the expansion of*

1 *Pakistan's nuclear weapons program, whether by*
2 *the diversion of United States assistance or the*
3 *reallocation of Pakistan financial resources that*
4 *would otherwise be spent for programs and ac-*
5 *tivities unrelated to its nuclear weapons pro-*
6 *gram.*

7 *(F) A description of the transfer or pur-*
8 *chase of military equipment pursuant to title II*
9 *of this Act, including—*

10 *(i) a list of equipment provided; and*

11 *(ii) a detailed description of the extent*
12 *to which funds obligated and expended pur-*
13 *suant to section 203(b) meet the require-*
14 *ments of such section.*

15 *(G) An analysis of a suitable replacement*
16 *for the AH-1F and AH-1S Cobra attack heli-*
17 *copters, which includes recommendations for*
18 *sustainment, training, and any other matters de-*
19 *termined to be appropriate.*

20 *(H) An assessment of the extent to which*
21 *the Government of Pakistan exercises effective ci-*
22 *vilian control of the military, including a de-*
23 *scription of the extent to which civilian executive*
24 *leaders and parliament exercise oversight and*
25 *approval of military budgets, the chain of com-*

1 *mand, the process of promotion for senior mili-*
2 *tary leaders, civilian involvement in strategic*
3 *guidance and planning, and military involve-*
4 *ment in civil administration.*

5 *(b) REPORT BY COMPTROLLER GENERAL.—*

6 *(1) IN GENERAL.—Not later than April 1, 2011,*
7 *the Comptroller General of the United States shall*
8 *submit to the appropriate congressional committees a*
9 *report evaluating the effectiveness of security assist-*
10 *ance provided to Pakistan under title II of this Act*
11 *during fiscal years 2010 and 2011.*

12 *(2) MATTERS TO BE INCLUDED.—The report re-*
13 *quired under subsection (a) shall include the fol-*
14 *lowing:*

15 *(A) A detailed description of the expendi-*
16 *tures made by Pakistan pursuant to grant as-*
17 *sistance under section 23 of the Arms Export*
18 *Control Act (22 U.S.C. 2763; relating to the For-*
19 *ign Military Financing program).*

20 *(B) An assessment of the impact of the as-*
21 *sistance on the security and stability of Paki-*
22 *stan.*

23 *(C) An evaluation of any issues of financial*
24 *impropriety on behalf of personnel implementing*
25 *the assistance.*

1 (D) *An assessment of the extent to which ci-*
2 *vilian authorities are involved in administration*
3 *of the assistance provided by the United States.*

4 **SEC. 307. SUNSET.**

5 *The authority of this Act, other than section 104, shall*
6 *expire after September 30, 2013.*

Union Calendar No. 66

11TH CONGRESS
1ST Session

H. R. 1886

[Report No. 111-129, Part I]

A BILL

To authorize democratic, economic, and social development assistance for Pakistan, to authorize security assistance for Pakistan, and for other purposes.

JUNE 2, 2009

The Committee on Armed Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed