

111TH CONGRESS
1ST SESSION

S. 962

AN ACT

To authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhanced Partnership
3 with Pakistan Act of 2009”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) The people of Pakistan and the United
7 States have a long history of friendship and comity,
8 and the interests of both nations are well-served by
9 strengthening and deepening this friendship.

10 (2) In February 2008, the people of Pakistan
11 elected a civilian government, reversing years of po-
12 litical tension and mounting popular concern over
13 governance and their own democratic reform and po-
14 litical development.

15 (3) A democratic, moderate, modernizing Paki-
16 stan would represent the wishes of the Pakistani
17 people and serve as a model to other countries
18 around the world.

19 (4) Economic growth is a fundamental founda-
20 tion for human security and national stability in
21 Pakistan, a country with over 175,000,000 people,
22 an annual population growth rate of 2 percent, and
23 a ranking of 136 out of 177 countries in the United
24 Nations Human Development Index.

25 (5) Pakistan is a major non-NATO ally of the
26 United States and has been a valuable partner in

1 the battle against al Qaeda and the Taliban, but
2 much more remains to be accomplished by both na-
3 tions.

4 (6) The struggle against al Qaeda, the Taliban,
5 and affiliated terrorist groups has led to the deaths
6 of several thousand Pakistani civilians and members
7 of the security forces of Pakistan over the past 7
8 years.

9 (7) Since the terrorist attacks of September 11,
10 2001, more al Qaeda terrorist suspects have been
11 apprehended in Pakistan than in any other country,
12 including Khalid Sheikh Muhammad, Ramzi bin al-
13 Shibh, and Abu Faraj al-Libi.

14 (8) Despite the sacrifices and cooperation of the
15 security forces of Pakistan, the top leadership of al
16 Qaeda, as well as the leadership and rank-and-file of
17 affiliated terrorist groups, are believed to be using
18 Pakistan's Federally Administered Tribal Areas
19 (FATA) and parts of the North West Frontier Prov-
20 ince (NWFP) and Balochistan as a haven and a
21 base from which to organize terrorist actions in
22 Pakistan and globally, including—

23 (A) attacks outside of Pakistan that have
24 been attributed to groups with Pakistani con-
25 nections, including—

1 (i) the suicide car bombing of the In-
2 dian embassy in Kabul, Afghanistan, which
3 killed 58 people on June 7, 2008; and

4 (ii) the massacre of approximately
5 165 people in Mumbai, India, including 6
6 United States citizens, in late November
7 2008; and

8 (B) attacks within Pakistan, including—

9 (i) an attack on the visiting Sri
10 Lankan cricket team in Lahore on March
11 3, 2009;

12 (ii) an attack at the Marriott hotel in
13 Islamabad on September 9, 2008;

14 (iii) the bombing of a political rally in
15 Karachi on October 18, 2007;

16 (iv) the targeting and killing of dozens
17 of tribal, provincial, and national holders
18 of political office;

19 (v) an attack by gunfire on the U.S.
20 Principal Officer in Peshawar in August
21 2008; and

22 (vi) the brazen assassination of
23 former Prime Minister Benazir Bhutto on
24 December 27, 2007.

1 (9) In the 12-month period ending on the date
2 of the enactment of this Act, Pakistan’s security
3 forces have struggled to contain a Taliban-backed
4 insurgency that has spread from FATA into settled
5 areas, including the Swat Valley and other parts of
6 NWFP and Balochistan. This struggle has taken the
7 lives of more than 1,500 police and military per-
8 sonnel and left more than 3,000 wounded.

9 (10) On March 27, 2009, President Obama
10 noted, “Multiple intelligence estimates have warned
11 that al Qaeda is actively planning attacks on the
12 U.S. homeland from its safe-haven in Pakistan.”.

13 (11) According to a Government Accountability
14 Office Report (GAO–08–622), “since 2003, the ad-
15 ministration’s national security strategies and Con-
16 gress have recognized that a comprehensive plan
17 that includes all elements of national power—diplo-
18 matic, military, intelligence, development assistance,
19 economic, and law enforcement support—was needed
20 to address the terrorist threat emanating from the
21 FATA” and that such a strategy was also mandated
22 by section 7102(b)(3) of the Intelligence Reform and
23 Terrorism Prevention Act of 2004 (Public Law 108–
24 458; 22 U.S.C. 2656f note) and section 2042(b)(2)
25 of the Implementing the Recommendations of the 9/

1 11 Commission Act of 2007 (Public Law 110–53; 22
2 U.S.C. 2375 note).

3 (12) In the past year, the people of Pakistan
4 have been especially hard hit by rising food and
5 commodity prices and severe energy shortages, with
6 two-thirds of the population living on less than \$2
7 a day and one-fifth of the population living below
8 the poverty line according to the United Nations De-
9 velopment Program.

10 (13) The people of Pakistan and the United
11 States share many compatible goals, including—

12 (A) combating terrorism and violent radi-
13 calism, both inside Pakistan and elsewhere;

14 (B) solidifying democracy and the rule of
15 law in Pakistan;

16 (C) promoting the economic development
17 of Pakistan, both through the building of infra-
18 structure and the facilitation of increased trade;

19 (D) promoting the social and material well-
20 being of Pakistani citizens, particularly through
21 development of such basic services as public
22 education, access to potable water, and medical
23 treatment; and

1 (E) safeguarding the peace and security of
2 South Asia, including by facilitating peaceful
3 relations between Pakistan and its neighbors.

4 (14) According to consistent opinion research,
5 including that of the Pew Global Attitudes Survey
6 (December 28, 2007) and the International Repub-
7 lican Institute (January 29, 2008), many people in
8 Pakistan have historically viewed the relationship be-
9 tween the United States and Pakistan as a trans-
10 actional one, characterized by a heavy emphasis on
11 security issues with little attention to other matters
12 of great interest to citizens of Pakistan.

13 (15) The election of a civilian government in
14 Pakistan in February 2008 provides an opportunity,
15 after nearly a decade of military-dominated rule, to
16 place relations between Pakistan and the United
17 States on a new and more stable foundation.

18 (16) Both the Government of Pakistan and the
19 United States Government should seek to enhance
20 the bilateral relationship through additional multi-
21 faceted engagement in order to strengthen the foun-
22 dation for a consistent and reliable long-term part-
23 nership between the two countries.

24 **SEC. 3. DEFINITIONS.**

25 In this Act:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means the Committees on Appropriations
4 and Foreign Relations of the Senate and the Com-
5 mittees on Appropriations and Foreign Affairs of
6 the House of Representatives.

7 (2) COUNTERINSURGENCY.—The term “coun-
8 terinsurgency” means efforts to defeat organized
9 movements that seek to overthrow the duly con-
10 stituted Governments of Pakistan and Afghanistan
11 through violent means.

12 (3) COUNTERTERRORISM.—The term “counter-
13 terrorism” means efforts to combat al Qaeda and
14 other foreign terrorist organizations that are des-
15 ignated by the Secretary of State in accordance with
16 section 219 of the Immigration and Nationality Act
17 (8 U.S.C. 1189), or other individuals and entities
18 engaged in terrorist activity or support for such ac-
19 tivity.

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

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

1 (6) PAKISTAN-AFGHANISTAN BORDER AREAS.—

2 The term “Pakistan-Afghanistan border areas” in-
3 cludes the Pakistan regions known as NWFP,
4 FATA, and parts of Balochistan in which the
5 Taliban or Al Qaeda have traditionally found refuge.

6 (7) SECURITY-RELATED ASSISTANCE.—The
7 term “security-related assistance” means—

8 (A) grant assistance to carry out section
9 23 of the Arms Export Control Act (22 U.S.C.
10 2763);

11 (B) assistance under chapter 2 of part II
12 of the Foreign Assistance Act of 1961 (22
13 U.S.C. 2311 et seq.);

14 (C) assistance under chapter 5 of part II
15 of the Foreign Assistance Act of 1961 (22
16 U.S.C. 2347 et seq.);

17 (D) any equipment, supplies, and training
18 provided pursuant to section 1206 of the Na-
19 tional Defense Authorization Act for Fiscal
20 Year 2006 (Public Law 109–163; 119 Stat.
21 3456); and

22 (E) any equipment, supplies, and training
23 provided pursuant to section 1206 of the Na-
24 tional Defense Authorization Act for Fiscal

1 Year 2008 (Public Law 110–181; 122 Stat.
2 368).

3 (8) SECURITY FORCES OF PAKISTAN.—The
4 term “security forces of Pakistan” means the mili-
5 tary and intelligence services of the Government of
6 Pakistan, including the Armed Forces, Inter-Serv-
7 ices Intelligence Directorate, Intelligence Bureau,
8 police forces, levies, Frontier Corps, and Frontier
9 Constabulary.

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

14 **SEC. 4. STATEMENT OF POLICY.**

15 It is the policy of the United States—

16 (1) to support the consolidation of democracy,
17 good governance, and rule of law in Pakistan;

18 (2) to support economic growth and develop-
19 ment in order to promote stability and security
20 across Pakistan;

21 (3) to affirm and build a sustained, long-term,
22 multifaceted relationship with Pakistan;

23 (4) to further the sustainable economic develop-
24 ment of Pakistan and the improvement of the living
25 conditions of its citizens, including in the Federally

1 Administered Tribal Areas, by expanding United
2 States bilateral engagement with the Government of
3 Pakistan, especially in areas of direct interest and
4 importance to the daily lives of the people of Paki-
5 stan;

6 (5) to work with Pakistan and the countries
7 bordering Pakistan to facilitate peace in the region
8 and harmonious relations between the countries of
9 the region;

10 (6) to work with the Government of Pakistan to
11 prevent any Pakistani territory from being used as
12 a base or conduit for terrorist attacks in Pakistan,
13 Afghanistan, India, or elsewhere in the world;

14 (7) to work in close cooperation with the Gov-
15 ernment of Pakistan to coordinate military, para-
16 military, and police action against terrorist targets;

17 (8) to work with the Government of Pakistan to
18 help bring peace, stability, and development to all
19 regions of Pakistan, especially those in the Pakistan-
20 Afghanistan border areas, including support for an
21 effective counterinsurgency strategy;

22 (9) to expand people-to-people engagement be-
23 tween the United States and Pakistan, through in-
24 creased educational, technical, and cultural ex-
25 changes and other methods;

1 (10) to encourage and promote public-private
 2 partnerships in Pakistan in order to bolster ongoing
 3 development efforts and strengthen economic pros-
 4 pects, especially with respect to opportunities to
 5 build civic responsibility and professional skills of
 6 the people of Pakistan; and

7 (11) to encourage the development of local ana-
 8 lytical capacity to measure progress on an integrated
 9 basis across the areas of donor country expenditure
 10 in Pakistan, and better hold the Government of
 11 Pakistan accountable for how the funds are being
 12 spent.

13 **SEC. 5. AUTHORIZATION OF FUNDS.**

14 (a) AUTHORIZATION.—There are authorized to be ap-
 15 propriated to the President, for the purposes of providing
 16 assistance to Pakistan under the Foreign Assistance Act
 17 of 1961 (22 U.S.C. 2151 et seq.), the following amounts:

18 (1) For fiscal year 2009, up to \$1,500,000,000.

19 (2) For fiscal year 2010, up to \$1,500,000,000.

20 (3) For fiscal year 2011, up to \$1,500,000,000.

21 (4) For fiscal year 2012, up to \$1,500,000,000.

22 (5) For fiscal year 2013, up to \$1,500,000,000.

23 (b) AVAILABILITY OF FUNDS.—

1 (1) IN GENERAL.—Of the funds appropriated in
2 each fiscal year pursuant to the authorization of ap-
3 propriations in subsection (a)—

4 (A) none of the amounts appropriated may
5 be made available after the date of the enact-
6 ment of this Act for assistance to Pakistan un-
7 less the Pakistan Assistance Strategy Report
8 has been submitted to the appropriate congres-
9 sional committees in accordance with subsection
10 (j); and

11 (B) not more than \$750,000,000 may be
12 made available for assistance to Pakistan in any
13 fiscal year after 2009 unless the President's
14 Special Representative to Afghanistan and
15 Pakistan submits to the appropriate congres-
16 sional committees during that fiscal year—

17 (i) a certification that assistance pro-
18 vided to Pakistan under this Act to date
19 has made or is making substantial
20 progress toward achieving the principal ob-
21 jectives of United States assistance to
22 Pakistan contained in the Pakistan Assist-
23 ance Strategy Report pursuant to sub-
24 section (j)(1); and

1 (ii) a memorandum explaining the
2 reasons justifying the certification de-
3 scribed in clause (i).

4 (2) MAKER OF CERTIFICATION.—In the event
5 of a vacancy in, or the termination of, the position
6 of the President’s Special Representative to Afghani-
7 stan and Pakistan, the certification described under
8 paragraph (1)(B) may be made by the Secretary of
9 State.

10 (c) WAIVER.—The Secretary of State may waive the
11 limitations in subsection (b) if the Secretary determines,
12 and certifies to the appropriate congressional committees,
13 that it is in the national security interests of the United
14 States to provide such waiver.

15 (d) SENSE OF CONGRESS ON FOREIGN ASSISTANCE
16 FUNDS.—It is the sense of Congress that, subject to an
17 improving political and economic climate in Pakistan,
18 there should be authorized to be appropriated up to
19 \$1,500,000,000 per year for fiscal years 2014 through
20 2018 for the purpose of providing assistance to Pakistan
21 under the Foreign Assistance Act of 1961.

22 (e) SENSE OF CONGRESS ON SECURITY-RELATED
23 ASSISTANCE.—It is the sense of Congress that security-
24 related assistance to the Government of Pakistan—

1 (1) should be provided in close coordination
 2 with the Government of Pakistan, designed to im-
 3 prove the Government's capabilities in areas of mu-
 4 tual concern, and maintained at a level that will
 5 bring significant gains in pursuing the policies set
 6 forth in paragraphs (6), (7), and (8) of section 4;
 7 and

8 (2) should be geared primarily toward bol-
 9 stering the counter-insurgency capabilities of the
 10 Government to effectively defeat the Taliban-backed
 11 insurgency and deny popular support to al Qaeda
 12 and other foreign terrorist organizations that are
 13 based in Pakistan.

14 (f) USE OF FUNDS.—

15 (1) IN GENERAL.—Funds appropriated pursu-
 16 ant to subsection (a) shall be used for projects in-
 17 tended to benefit the people of Pakistan, including
 18 projects that promote—

19 (A) just and democratic governance, in-
 20 cluding—

21 (i) police reform, equipping, and
 22 training;

23 (ii) independent, efficient, and effec-
 24 tive judicial systems;

- 1 (iii) political pluralism, equality, and
- 2 the rule of law;
- 3 (iv) respect for human and civil rights
- 4 and the promotion of an independent
- 5 media;
- 6 (v) transparency and accountability of
- 7 all branches of government and judicial
- 8 proceedings;
- 9 (vi) anticorruption efforts among bu-
- 10 reaucrats, elected officials, and public serv-
- 11 ants at all levels of military and civilian
- 12 government administration;
- 13 (vii) countering the narcotics trade;
- 14 and
- 15 (viii) the implementation of legal and
- 16 political reforms in the FATA;
- 17 (B) economic freedom, including—
- 18 (i) sustainable economic growth, in-
- 19 cluding in rural areas, and the sustainable
- 20 management of natural resources;
- 21 (ii) investments in energy and water,
- 22 including energy generation and cross-bor-
- 23 der infrastructure projects with Afghani-
- 24 stan;

1 (iii) employment generation, including
 2 essential basic infrastructure projects such
 3 as roads and irrigation projects and other
 4 physical infrastructure; and

5 (iv) worker rights, including the right
 6 to form labor unions and legally enforce
 7 provisions safeguarding the rights of work-
 8 ers and local community stakeholders;

9 (C) investments in people, particularly
 10 women and children, including—

11 (i) broad-based public primary and
 12 secondary education and vocational train-
 13 ing for both boys and girls;

14 (ii) food security and agricultural de-
 15 velopment to ensure food staples and other
 16 crops that provide economic growth and in-
 17 come opportunities in times of severe
 18 shortage;

19 (iii) quality public health, including
 20 medical clinics with well trained staff serv-
 21 ing rural and urban communities;

22 (iv) vocational training for women and
 23 access to microfinance for small business
 24 establishment and income generation for
 25 women; and

1 (v) higher education to ensure a
 2 breadth and consistency of Pakistani grad-
 3 uates to prepare citizens to help strengthen
 4 the foundation for improved governance
 5 and economic vitality, including through
 6 public-private partnerships; and

7 (D) long-term development in regions of
 8 Pakistan where internal conflict has caused
 9 large-scale displacement.

10 (2) FUNDING FOR POLICE REFORM, EQUIPPING,
 11 AND TRAINING.—Up to \$100,000,000 of the funds
 12 appropriated pursuant to subsection (a) should be
 13 used for police reform, equipping, and training.

14 (g) PREFERENCE FOR BUILDING LOCAL CAPAC-
 15 ITY.—The President is encouraged, as appropriate, to uti-
 16 lize Pakistani firms and community and local nongovern-
 17 mental organizations in Pakistan, including through host
 18 country contacts, and to work with local leaders to provide
 19 assistance under this section.

20 (h) AUTHORITY TO USE FUNDS FOR OPERATIONAL
 21 AND AUDIT EXPENSES.—

22 (1) IN GENERAL.—Of the amounts appro-
 23 priated for a fiscal year pursuant to subsection (a)—

24 (A) up to \$10,000,000 may be used for ad-
 25 ministrative expenses of Federal departments

1 and agencies in connection with the provision of
2 assistance authorized by this section;

3 (B) up to \$30,000,000 may be made avail-
4 able to the Inspectors General of the Depart-
5 ment of State, the United States Agency for
6 International Development, and other relevant
7 Executive branch agencies in order to provide
8 audits and program reviews of projects funded
9 pursuant to this section; and

10 (C) up to \$5,000,000 may be used by the
11 Secretary to establish a Chief of Mission Fund
12 for use by the Chief of Mission in Pakistan to
13 provide assistance to Pakistan under the For-
14 eign Assistance Act of 1961 (22 U.S.C. 2151 et
15 seq.) to address urgent needs or opportunities,
16 consistent with the purposes outlined in sub-
17 section (f) or for purposes of humanitarian re-
18 lief.

19 (2) AUTHORITY IN ADDITION TO EXISTING
20 AMOUNTS.—The amounts authorized under subpara-
21 graphs (A) and (B) of paragraph (1) to be used for
22 the purposes described in such subparagraphs are in
23 addition to other amounts that are available for such
24 purposes.

1 (i) USE OF FUNDS.—Amounts appropriated or other-
2 wise made available to carry out this section shall be uti-
3 lized to the maximum extent possible as direct expendi-
4 tures for projects and programs, subject to existing report-
5 ing and notification requirements.

6 (j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not
7 later than 45 days after the date of enactment of this Act,
8 or September 15, 2009, whichever date comes later, the
9 Secretary of State shall submit to the appropriate congres-
10 sional committees a report describing United States policy
11 and strategy with respect to assistance to Pakistan. The
12 report shall include—

13 (1) a description of the principal objectives of
14 United States assistance to Pakistan to be provided
15 under this Act;

16 (2) the amounts of funds authorized to be ap-
17 propriated under subsection (a) proposed to be allo-
18 cated to programs or projects designed to achieve
19 each of the purposes of assistance listed in sub-
20 section (f);

21 (3) a description of the specific projects and
22 programs for which amounts authorized to be appro-
23 priated pursuant to subsection (a) are proposed to
24 be allocated;

1 (4) a list of criteria and benchmarks to be used
2 to measure the effectiveness of projects described
3 under subsection (f), including a systematic, quali-
4 tative, and where possible, quantitative basis for as-
5 sessing whether desired outcomes are achieved and
6 a timeline for completion of each project and pro-
7 gram;

8 (5) a description of the role to be played by
9 Pakistani national, regional, and local officials and
10 members of Pakistani civil society and local private
11 sector, civic, religious, and tribal leaders in helping
12 to identify and implement programs and projects for
13 which assistance is to be provided under this Act,
14 and of consultations with such representatives in de-
15 veloping the strategy;

16 (6) a description of all amounts made available
17 for assistance to Pakistan during fiscal year 2009
18 prior to submission of the report, including a de-
19 scription of each project or program for which funds
20 were made available and the amounts allocated to
21 each such program or project;

22 (7) a description of the steps taken, or to be
23 taken, to ensure assistance provided under this Act
24 is not awarded to individuals or entities affiliated
25 with terrorist organizations; and

(8) 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.

1 (k) NOTIFICATION REQUIREMENTS.—

2 (1) NOTICE OF ASSISTANCE FOR BUDGET SUP-
3 PORT.—The President shall notify the appropriate
4 congressional committees not later than 15 days be-
5 fore obligating any assistance under this section as
6 budgetary support to the Government of Pakistan or
7 any element of such Government and shall describe
8 the purpose and conditions attached to any such
9 budgetary support.

10 (2) SEMIANNUAL REPORT.—Not later than 90
11 days after the submission of the Pakistan Assistance
12 Strategy Report pursuant to subsection (j), and
13 every 180 days thereafter, the Secretary of State
14 shall submit a report to the appropriate congres-
15 sional committees that describes the assistance pro-
16 vided under this section. The report shall include—

17 (A) a description of all assistance provided
18 pursuant to this Act since the submission of the
19 last report, including each program or project
20 for which assistance was provided and the
21 amount of assistance provided for each program
22 or project;

23 (B) a description of all assistance provided
24 pursuant to this Act, including—

1 (i) the total amount of assistance pro-
2 vided for each of the purposes described in
3 subsection (f); and

4 (ii) the total amount of assistance al-
5 located to programs or projects in each re-
6 gion in Pakistan;

7 (C) a list of persons or entities from the
8 United States or other countries that have re-
9 ceived funds in excess of \$100,000 to conduct
10 projects under this section during the period
11 covered by the report, which may be included in
12 a classified annex, if necessary to avoid a secu-
13 rity risk, and a justification for the classifica-
14 tion;

15 (D) an assessment of the effectiveness of
16 assistance provided pursuant to this Act during
17 the period covered by the report in achieving
18 desired objectives and outcomes, measured on
19 the basis of the criteria contained in the Paki-
20 stan Assistant Strategy Report pursuant to
21 subsection (j)(4);

22 (E) a description of—

23 (i) the programs and projects for
24 which amounts appropriated pursuant to
25 subsection (a) are proposed to be allocated

1 during the 180-day period after the sub-
2 mission of the report;

3 (ii) the relationship of such programs
4 and projects to the purposes of assistance
5 described in subsection (f); and

6 (iii) the amounts proposed to be allo-
7 cated to each such program or project;

8 (F) a description of any shortfall in United
9 States financial, physical, technical, or human
10 resources that hinder the effective use and mon-
11 itoring of such funds;

12 (G) a description of any negative impact,
13 including the absorptive capacity of the region
14 for which the resources are intended, of United
15 States bilateral or multilateral assistance and
16 recommendations for modification of funding, if
17 any;

18 (H) any incidents or reports of waste,
19 fraud, and abuse of expenditures under this
20 section;

21 (I) the amount of funds appropriated pur-
22 suant to subsection (a) that were used during
23 the reporting period for administrative expenses
24 or for audits and program reviews pursuant to
25 the authority under subsection (h);

1 (J) a description of the expenditures made
 2 from any Chief of Mission Fund established
 3 pursuant to subsection (h)(3) during the period
 4 covered by the report, the purposes for which
 5 such expenditures were made, and a list of the
 6 recipients of any expenditures from the Chief of
 7 Mission Fund in excess of \$10,000; and

8 (K) an accounting of assistance provided
 9 to Pakistan under this Act, broken down into
 10 the categories set forth in subsection (j)(8).

11 (l) GOVERNMENT ACCOUNTABILITY OFFICE RE-
 12 PORT.—Not later than one year after the submission of
 13 the Pakistan Assistance Strategy Report under subsection
 14 (j), and annually thereafter, the Comptroller General of
 15 the United States shall submit to the appropriate congres-
 16 sional committees a report that contains—

17 (1) a review of, and comments addressing, the
 18 Pakistan Assistance Strategy Report; and

19 (2) recommendations relating to any additional
 20 actions the Comptroller General believes could help
 21 improve the efficiency and effectiveness of United
 22 States efforts to meet the objectives of this Act.

23 (m) SENSE OF CONGRESS ON FUNDING OF PRIOR-
 24 ITIES.—It is the sense of Congress that, as a general prin-
 25 ciple, the Government of Pakistan should allocate a great-

1 er portion of its budget to the recurrent costs associated
 2 with education, health, and other priorities described in
 3 this section.

4 (n) CONSULTATION REQUIREMENT.—The President
 5 shall consult the appropriate congressional committees on
 6 the strategy in subsection (j), including criteria and bench-
 7 marks developed under paragraph (4) of such subsection,
 8 not later than 15 days before obligating any assistance
 9 under this section.

10 **SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.**

11 (a) LIMITATION ON CERTAIN MILITARY ASSIST-
 12 ANCE.—Beginning in fiscal year 2010, no grant assistance
 13 to carry out section 23 of the Arms Export Control Act
 14 (22 U.S.C. 2763) and no assistance under chapter 2 of
 15 part II of the Foreign Assistance Act of 1961 (22 U.S.C.
 16 2311 et seq.) may be provided to Pakistan in a fiscal year
 17 until the Secretary of State makes the certification re-
 18 quired under subsection (c).

19 (b) LIMITATION ON ARMS TRANSFERS.—Beginning
 20 in fiscal year 2012, no letter of offer to sell major defense
 21 equipment to Pakistan may be issued pursuant to the
 22 Arms Export Control Act (22 U.S.C. 2751 et seq.) and
 23 no license to export major defense equipment to Pakistan
 24 may be issued pursuant to such Act in a fiscal year until

1 the Secretary of State makes the certification required
2 under subsection (c).

3 (c) CERTIFICATION.—The certification required by
4 this subsection is a certification to the appropriate con-
5 gressional committees by the Secretary of State, after con-
6 sultation with the Secretary of Defense and the Director
7 of National Intelligence, that the security forces of Paki-
8 stan—

9 (1) are making concerted efforts to prevent al
10 Qaeda and associated terrorist groups, including
11 Lashkar-e-Taiba and Jaish-e-Mohammed, from oper-
12 ating in the territory of Pakistan;

13 (2) are making concerted efforts to prevent the
14 Taliban and associated militant groups from using
15 the territory of Pakistan as a sanctuary from which
16 to launch attacks within Afghanistan; and

17 (3) are not materially interfering in the political
18 or judicial processes of Pakistan.

19 (d) WAIVER.—The Secretary of State may waive the
20 limitations in subsections (a) and (b) if the Secretary de-
21 termines it is important to the national security interests
22 of the United States to provide such waiver.

23 (e) PRIOR NOTICE OF WAIVER.—A waiver pursuant
24 to subsection (d) may not be exercised until 15 days after
25 the Secretary of State provides to the appropriate congres-

1 sional committees written notice of the intent to issue such
 2 waiver and the reasons therefor. The notice may be sub-
 3 mitted in classified or unclassified form, as necessary.

4 (f) ANNUAL REPORT.—The Secretary of State, after
 5 consultation with the Secretary of Defense and the Direc-
 6 tor of National Intelligence, shall submit to the appro-
 7 priate congressional committees an annual report on the
 8 progress of the security forces of Pakistan in satisfying
 9 the requirements enumerated in subsection (c). The Sec-
 10 retary of State shall establish detailed, specific require-
 11 ments and metrics for evaluating the progress in satisfying
 12 these requirements and apply these requirements and
 13 metrics consistently in each annual report. This report
 14 may be submitted in classified or unclassified form, as
 15 necessary.

16 **SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT**
 17 **FUNDS.**

18 It is the sense of Congress that—

19 (1) Coalition Support Funds are critical compo-
 20 nents of the global fight against terrorism, and in
 21 Pakistan provide essential support for—

22 (A) military operations of the Government
 23 of Pakistan to destroy the terrorist threat and
 24 close the terrorist safe haven, known or sus-

1 pected, in the FATA, the NWFP, and other re-
2 gions of Pakistan; and

3 (B) military operations of the Government
4 of Pakistan to protect United States and allied
5 logistic operations in support of Operation En-
6 during Freedom in Afghanistan;

7 (2) despite the broad discretion Congress grant-
8 ed the Secretary of Defense in terms of managing
9 Coalition Support Funds, the Pakistan reimburse-
10 ment claims process for Coalition Support Funds re-
11 quires increased oversight and accountability, con-
12 sistent with the conclusions of the June 2008 report
13 of the United States Government Accountability Of-
14 fice (GAO-08-806);

15 (3) in order to ensure that this significant
16 United States effort in support of countering ter-
17 rorism in Pakistan effectively ensures the intended
18 use of Coalition Support Funds, and to avoid redun-
19 dancy in other security assistance programs, such as
20 Foreign Military Financing and Foreign Military
21 Sales, more specific guidance should be generated,
22 and accountability delineated, for officials associated
23 with oversight of this program within the United
24 States Embassy in Pakistan, the United States Cen-
25 tral Command, the Department of Defense, the De-

1 partment of State, and the Office of Management
2 and Budget; and

3 (4) the Secretary of Defense should submit to
4 the appropriate congressional committees and the
5 Committees on Armed Services of the Senate and
6 the House of Representatives a semiannual report
7 on the use of Coalition Support Funds, which may
8 be submitted in classified or unclassified form as
9 necessary.

10 **SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRAT-**
11 **EGY.**

12 (a) DEVELOPMENT OF COMPREHENSIVE STRAT-
13 EGY.—The Secretary of State, in consultation with the
14 Secretary of Defense, the Director of National Intel-
15 ligence, and such other government officials as may be ap-
16 propriate, shall develop a comprehensive, cross-border
17 strategy that includes all elements of national power—dip-
18 lomatic, military, intelligence, development assistance, hu-
19 manitarian, law enforcement support, and strategic com-
20 munications and information technology—for working
21 with the Government of Pakistan, the Government of Af-
22 ghanistan, NATO, and other like-minded allies to best im-
23 plement effective counterterrorism and counterinsurgency
24 measurers in and near the Pakistan-Afghanistan border
25 areas.

1 (b) REPORT.—Not later than 90 days after the date
2 of the enactment of this Act, the Secretary of State shall
3 submit to the appropriate congressional committees a de-
4 tailed description of a comprehensive strategy for counter-
5 terrorism and counterinsurgency in the Pakistan-Afghani-
6 stan border areas containing the elements specified in sub-
7 section (a) and proposed timelines and budgets for imple-
8 menting the strategy.

9 **SEC. 9. SENSE OF CONGRESS.**

10 It is the sense of Congress that the United States
11 should—

12 (1) recognize the bold political steps the Paki-
13 stan electorate has taken during a time of height-
14 ened sensitivity and tension in 2007 and 2008 to
15 elect a new civilian government, as well as the con-
16 tinued quest for good governance and the rule of law
17 under the elected government in 2008 and 2009;

18 (2) seize this strategic opportunity in the inter-
19 ests of Pakistan as well as in the national security
20 interests of the United States to expand its engage-
21 ment with the Government and people of Pakistan
22 in areas of particular interest and importance to the
23 people of Pakistan;

24 (3) continue to build a responsible and recip-
25 rocal security relationship taking into account the

1 national security interests of the United States as
 2 well as regional and national dynamics in Pakistan
 3 to further strengthen and enable the position of
 4 Pakistan as a major non-NATO ally;

5 (4) seek ways to strengthen our countries' mu-
 6 tual understanding and promote greater insight and
 7 knowledge of each other's social, cultural and histor-
 8 ical diversity through personnel exchanges and sup-
 9 port for the establishment of institutions of higher
 10 learning with international accreditation; and

11 (5) explore means to consult with and utilize
 12 the relevant expertise and skills of the Pakistani-
 13 American community.

14 **SEC. 10. TERM OF YEARS.**

15 With the exception of subsections (b)(1)(B), (j), (k),
 16 and (l) of section 5, this Act shall remain in force after
 17 September 30, 2013.

Passed the Senate June 24, 2009.

Attest:

Secretary.

111TH CONGRESS
1ST SESSION

S. 962

AN ACT

To authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.