

Senate Office Building, to conduct a hearing entitled "Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. CARDIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, June 24, 2009. The Committee will meet in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CARDIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on June 24, 2009, from 10:30 a.m.–12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CARDIN. Mr. President, I ask unanimous consent that the subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 24, 2009, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that four law clerks on my staff, Eka Akpakip, Kristina Campbell, Nick Rotsko, and Roberto Valenzuela be granted floor privileges during the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENHANCED PARTNERSHIP WITH PAKISTAN ACT OF 2009

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 85, S. 962.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 962) to authorize appropriations for fiscal years 2009 through 2013 to promote an enhanced strategic partnership with Pakistan and its people, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on Foreign Relations, with amendments.

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 962

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Partnership with Pakistan Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

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

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

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

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

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

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

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

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

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

(B) attacks within Pakistan, including—

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

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

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

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

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

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

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

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

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

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

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

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

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

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

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

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

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

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

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

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

(3) **COUNTERTERRORISM.**—The term "counterterrorism" means efforts to combat al Qaeda and other foreign terrorist organizations that are designated by the Secretary

of State in accordance with section 219 of the Immigration and Nationality Act (8 U.S.C. 1189), or other individuals and entities engaged in terrorist activity or support for such activity.

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

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

(6) PAKISTAN-AFGHANISTAN BORDER AREAS.—The term “Pakistan-Afghanistan border areas” includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

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

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

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

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

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368).

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

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

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to support economic growth and development in order to promote stability and security across Pakistan;

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

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

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

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

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

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

(9) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods[; and];

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan[.]; and

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

SEC. 5. AUTHORIZATION OF FUNDS.

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

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

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

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

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

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

(b) AVAILABILITY OF FUNDS.—Of the amounts] FUNDS.—

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

[(1) none of the amounts]

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

[(2) not more than \$750,000,000]

(B) not more than \$750,000,000 may be made available for assistance to Pakistan in any fiscal year after 2009 unless the President’s Special Representative to Afghanistan and Pakistan submits to the appropriate congressional committees during that fiscal year—

[(A) a certification]

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

[(B) a memorandum]

(ii) a memorandum explaining the reasons justifying the certification described in [subsection (A)] clause (i).

[(c) MAKER OF CERTIFICATION.—In the event]

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

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

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

(e) SENSE OF CONGRESS ON SECURITY-RELATED ASSISTANCE.—It is the sense of Con-

gress that security-related assistance to the [Government of Pakistan should be provided in close coordination with the Government of Pakistan, designed to improve the Government’s capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4.] *Government of Pakistan*—

(1) should be provided in close coordination with the Government of Pakistan, designed to improve the Government’s capabilities in areas of mutual concern, and maintained at a level that will bring significant gains in pursuing the policies set forth in paragraphs (6), (7), and (8) of section 4; and

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

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government [administration; and

[(vii) countering the narcotics trade;] *administration;*

[(vii) countering the narcotics trade; and

[(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

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

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

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

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

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban [communities; and

(iv) higher education] *communities;*

(v) vocational training for women and access to microfinance for small business establishment and income generation for women; and

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships[.]; and

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

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

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

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

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to \$10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to ~~[\$20,000,000]~~\$30,000,000 may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to \$5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

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

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(j) PAKISTAN ASSISTANCE STRATEGY REPORT.—Not later than ~~[30 days]~~45 days after the date of enactment of this Act, or September 15, 2009, whichever date comes later, the ~~[President]~~ Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan. The report shall include—

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

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of ~~[criteria to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative basis]~~criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

(5) a description of the role to be played by Pakistani national, regional, and local officials and members of Pakistani civil society and local private sector, civic, religious, and tribal leaders in helping to identify and implement

programs and projects for which assistance is to be provided under this Act, and of consultations with ~~[such officials]~~ such representatives in developing the strategy~~]; and~~];

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project~~].~~];

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

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the ~~[President]~~ Secretary of State shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

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

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

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

(C) a list of persons or entities from the United States or other countries that have received funds in excess of ~~[\$250,000]~~\$100,000 to conduct projects under this section during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

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

(iii) the amounts proposed to be allocated to each such program or project;

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

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

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

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under ~~[subsection (h); and]~~ subsection (h);

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

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

(1) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

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

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

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

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

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

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

Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State makes the certification required under subsection (c).

(c) **CERTIFICATION.**—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

(1) are making concerted [and consistent] efforts to prevent al Qaeda and associated terrorist groups, including Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan;

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

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

(d) **WAIVER.**—The Secretary of State may waive the limitations in subsections (a) and (b) if the Secretary determines it is important to the national security interests of the United States to provide such waiver.

(e) **PRIOR NOTICE OF WAIVER.**—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) **ANNUAL REPORT.**—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO-08-806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Depart-

ment of Defense, the Department of State, and the Office of Management and Budget; and

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

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) **DEVELOPMENT OF COMPREHENSIVE STRATEGY.**—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measures in and near the Pakistan-Afghanistan border areas.

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

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

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally; and;

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation[.]; and

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

SEC. 10. TERM OF YEARS.

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

Mr. CARDIN. Mr. President, I am pleased the Senate is considering S. 962, the Enhanced Partnership with Pakistan Act. I would like to commend Senator KERRY and Senator LUGAR—the chairman and ranking member of the Foreign Relations Committee, respectively for introducing this important legislation and working to achieve

its passage. I am proud to cosponsor this bill.

Pakistan's stability is of vital strategic importance to the United States of America. A nuclear-armed nation, Pakistan is also home to Taliban and al-Qaida militants who have taken countless innocent lives in their quest to impose an extremist vision on the world. We must support the Government of Pakistan as it confronts the threat of violent extremism, and we must support the people of Pakistan to enable them to resist extremist threats. Reports indicate over 2 million Pakistanis have been displaced following Taliban advances in recent months. This humanitarian crisis is compounded by fundamental problems of widespread poverty and underdevelopment. The United Nations Development Program reports two-thirds of Pakistan's population live on less than \$2 a day. America's efforts in Pakistan must empower Pakistanis to improve their living conditions and resist propaganda campaigns by extremist groups. The Enhanced Partnership with Pakistan Act is an essential effort in accomplishing this mission.

America's relationship with Pakistan has too often relied on military aid and not enough on promoting a deeper, long-term strategic engagement with the Pakistani people. The Enhanced Partnership with Pakistan Act is intended to transform this relationship. The bill calls for a tripling of non-military aid to Pakistan and conditions assistance of the United States on Pakistan's continued progress and achievement of benchmarks. In these difficult economic times, we must ensure taxpayer dollars are spent wisely. The Enhanced Partnership with Pakistan Act requires the President to submit regular reports to Congress to ensure this is the case, and resources have the desired impact.

I look forward to continuing to build our relationship with the people of Pakistan as we tackle shared challenges and explore shared opportunities.

Mr. REID. I ask unanimous consent the committee-reported amendments be agreed to, the bill as amended be read three times, passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were agreed to.

The bill (S. 962), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 962

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhanced Partnership with Pakistan Act of 2009".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The people of Pakistan and the United States have a long history of friendship and

comity, and the interests of both nations are well-served by strengthening and deepening this friendship.

(2) In February 2008, the people of Pakistan elected a civilian government, reversing years of political tension and mounting popular concern over governance and their own democratic reform and political development.

(3) A democratic, moderate, modernizing Pakistan would represent the wishes of the Pakistani people and serve as a model to other countries around the world.

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

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

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

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

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

(A) attacks outside of Pakistan that have been attributed to groups with Pakistani connections, including—

(i) the suicide car bombing of the Indian embassy in Kabul, Afghanistan, which killed 58 people on June 7, 2008; and

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

(B) attacks within Pakistan, including—

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

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

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

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

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

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

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

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

(11) According to a Government Accountability Office Report (GAO-08-622), "since 2003, the administration's national security strategies and Congress have recognized that

a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to address the terrorist threat emanating from the FATA" and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 22 U.S.C. 2656f note) and section 2042(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110-53; 22 U.S.C. 2375 note).

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

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

(A) combating terrorism and violent radicalism, both inside Pakistan and elsewhere;

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

(C) promoting the economic development of Pakistan, both through the building of infrastructure and the facilitation of increased trade;

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

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

(14) According to consistent opinion research, including that of the Pew Global Attitudes Survey (December 28, 2007) and the International Republican Institute (January 29, 2008), many people in Pakistan have historically viewed the relationship between the United States and Pakistan as a transactional one, characterized by a heavy emphasis on security issues with little attention to other matters of great interest to citizens of Pakistan.

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

(16) Both the Government of Pakistan and the United States Government should seek to enhance the bilateral relationship through additional multi-faceted engagement in order to strengthen the foundation for a consistent and reliable long-term partnership between the two countries.

SEC. 3. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives.

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

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

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

(5) **NWFP.**—The term "NWFP" means the North West Frontier Province of Pakistan, which has Peshawar as its provincial capital.

(6) **PAKISTAN-AFGHANISTAN BORDER AREAS.**—The term "Pakistan-Afghanistan border areas" includes the Pakistan regions known as NWFP, FATA, and parts of Balochistan in which the Taliban or Al Qaeda have traditionally found refuge.

(7) **SECURITY-RELATED ASSISTANCE.**—The term "security-related assistance" means—

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

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

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

(D) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3456); and

(E) any equipment, supplies, and training provided pursuant to section 1206 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 368).

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

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

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States—

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

(2) to support economic growth and development in order to promote stability and security across Pakistan;

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

(4) to further the sustainable economic development of Pakistan and the improvement of the living conditions of its citizens, including in the Federally Administered Tribal Areas, by expanding United States bilateral engagement with the Government of Pakistan, especially in areas of direct interest and importance to the daily lives of the people of Pakistan;

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

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

(7) to work in close cooperation with the Government of Pakistan to coordinate military, paramilitary, and police action against terrorist targets;

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

(9) to expand people-to-people engagement between the United States and Pakistan, through increased educational, technical, and cultural exchanges and other methods;

(10) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan; and

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

SEC. 5. AUTHORIZATION OF FUNDS.

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

- (1) For fiscal year 2009, up to \$1,500,000,000.
- (2) For fiscal year 2010, up to \$1,500,000,000.
- (3) For fiscal year 2011, up to \$1,500,000,000.
- (4) For fiscal year 2012, up to \$1,500,000,000.
- (5) For fiscal year 2013, up to \$1,500,000,000.

(b) AVAILABILITY OF FUNDS.—

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

(A) none of the amounts appropriated may be made available after the date of the enactment of this Act for assistance to Pakistan unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees in accordance with subsection (j); and

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

(i) a certification that assistance provided to Pakistan under this Act to date has made or is making substantial progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report pursuant to subsection (j)(1); and

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

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

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

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

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

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

(2) should be geared primarily toward bolstering the counter-insurgency capabilities

of the Government to effectively defeat the Taliban-backed insurgency and deny popular support to al Qaeda and other foreign terrorist organizations that are based in Pakistan.

(f) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be used for projects intended to benefit the people of Pakistan, including projects that promote—

(A) just and democratic governance, including—

(i) police reform, equipping, and training;

(ii) independent, efficient, and effective judicial systems;

(iii) political pluralism, equality, and the rule of law;

(iv) respect for human and civil rights and the promotion of an independent media;

(v) transparency and accountability of all branches of government and judicial proceedings;

(vi) anticorruption efforts among bureaucrats, elected officials, and public servants at all levels of military and civilian government administration;

(vii) countering the narcotics trade; and

(viii) the implementation of legal and political reforms in the FATA;

(B) economic freedom, including—

(i) sustainable economic growth, including in rural areas, and the sustainable management of natural resources;

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

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

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

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

(i) broad-based public primary and secondary education and vocational training for both boys and girls;

(ii) food security and agricultural development to ensure food staples and other crops that provide economic growth and income opportunities in times of severe shortage;

(iii) quality public health, including medical clinics with well trained staff serving rural and urban communities;

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

(v) higher education to ensure a breadth and consistency of Pakistani graduates to prepare citizens to help strengthen the foundation for improved governance and economic vitality, including through public-private partnerships; and

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

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

(g) PREFERENCE FOR BUILDING LOCAL CAPACITY.—The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contacts, and to work with local leaders to provide assistance under this section.

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

(1) IN GENERAL.—Of the amounts appropriated for a fiscal year pursuant to subsection (a)—

(A) up to \$10,000,000 may be used for administrative expenses of Federal departments and agencies in connection with the provision of assistance authorized by this section;

(B) up to \$30,000,000 may be made available to the Inspectors General of the Department of State, the United States Agency for International Development, and other relevant Executive branch agencies in order to provide audits and program reviews of projects funded pursuant to this section; and

(C) up to \$5,000,000 may be used by the Secretary to establish a Chief of Mission Fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes outlined in subsection (f) or for purposes of humanitarian relief.

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

(i) USE OF FUNDS.—Amounts appropriated or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

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

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

(2) the amounts of funds authorized to be appropriated under subsection (a) proposed to be allocated to programs or projects designed to achieve each of the purposes of assistance listed in subsection (f);

(3) a description of the specific projects and programs for which amounts authorized to be appropriated pursuant to subsection (a) are proposed to be allocated;

(4) a list of criteria and benchmarks to be used to measure the effectiveness of projects described under subsection (f), including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;

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

(6) a description of all amounts made available for assistance to Pakistan during fiscal year 2009 prior to submission of the report, including a description of each project or program for which funds were made available and the amounts allocated to each such program or project;

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

(k) NOTIFICATION REQUIREMENTS.—

(1) NOTICE OF ASSISTANCE FOR BUDGET SUPPORT.—The President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of such Government and shall describe the purpose and conditions attached to any such budgetary support.

(2) SEMIANNUAL REPORT.—Not later than 90 days after the submission of the Pakistan Assistance Strategy Report pursuant to subsection (j), and every 180 days thereafter, the Secretary of State shall submit a report to the appropriate congressional committees that describes the assistance provided under this section. The report shall include—

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

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

(i) the total amount of assistance provided for each of the purposes described in subsection (f); and

(ii) the total amount of assistance allocated to programs or projects in each region in Pakistan;

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

(D) an assessment of the effectiveness of assistance provided pursuant to this Act during the period covered by the report in achieving desired objectives and outcomes, measured on the basis of the criteria contained in the Pakistan Assistant Strategy Report pursuant to subsection (j)(4);

(E) a description of—

(i) the programs and projects for which amounts appropriated pursuant to subsection (a) are proposed to be allocated during the 180-day period after the submission of the report;

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

(iii) the amounts proposed to be allocated to each such program or project;

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

(G) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral as-

sistance and recommendations for modification of funding, if any;

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

(I) the amount of funds appropriated pursuant to subsection (a) that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under subsection (h);

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

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

(1) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than one year after the submission of the Pakistan Assistance Strategy Report under subsection (j), and annually thereafter, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

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

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

(m) SENSE OF CONGRESS ON FUNDING OF PRIORITIES.—It is the sense of Congress that, as a general principle, the Government of Pakistan should allocate a greater portion of its budget to the recurrent costs associated with education, health, and other priorities described in this section.

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

SEC. 6. LIMITATION ON CERTAIN ASSISTANCE.

(a) LIMITATION ON CERTAIN MILITARY ASSISTANCE.—Beginning in fiscal year 2010, no grant assistance to carry out section 23 of the Arms Export Control Act (22 U.S.C. 2763) and no assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.) may be provided to Pakistan in a fiscal year until the Secretary of State makes the certification required under subsection (c).

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

(c) CERTIFICATION.—The certification required by this subsection is a certification to the appropriate congressional committees by the Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, that the security forces of Pakistan—

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

(2) are making concerted efforts to prevent the Taliban and associated militant groups

from using the territory of Pakistan as a sanctuary from which to launch attacks within Afghanistan; and

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

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

(e) PRIOR NOTICE OF WAIVER.—A waiver pursuant to subsection (d) may not be exercised until 15 days after the Secretary of State provides to the appropriate congressional committees written notice of the intent to issue such waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) ANNUAL REPORT.—The Secretary of State, after consultation with the Secretary of Defense and the Director of National Intelligence, shall submit to the appropriate congressional committees an annual report on the progress of the security forces of Pakistan in satisfying the requirements enumerated in subsection (c). The Secretary of State shall establish detailed, specific requirements and metrics for evaluating the progress in satisfying these requirements and apply these requirements and metrics consistently in each annual report. This report may be submitted in classified or unclassified form, as necessary.

SEC. 7. SENSE OF CONGRESS ON COALITION SUPPORT FUNDS.

It is the sense of Congress that—

(1) Coalition Support Funds are critical components of the global fight against terrorism, and in Pakistan provide essential support for—

(A) military operations of the Government of Pakistan to destroy the terrorist threat and close the terrorist safe haven, known or suspected, in the FATA, the NWFP, and other regions of Pakistan; and

(B) military operations of the Government of Pakistan to protect United States and allied logistic operations in support of Operation Enduring Freedom in Afghanistan;

(2) despite the broad discretion Congress granted the Secretary of Defense in terms of managing Coalition Support Funds, the Pakistan reimbursement claims process for Coalition Support Funds requires increased oversight and accountability, consistent with the conclusions of the June 2008 report of the United States Government Accountability Office (GAO-08-806);

(3) in order to ensure that this significant United States effort in support of countering terrorism in Pakistan effectively ensures the intended use of Coalition Support Funds, and to avoid redundancy in other security assistance programs, such as Foreign Military Financing and Foreign Military Sales, more specific guidance should be generated, and accountability delineated, for officials associated with oversight of this program within the United States Embassy in Pakistan, the United States Central Command, the Department of Defense, the Department of State, and the Office of Management and Budget; and

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

SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRATEGY.

(a) DEVELOPMENT OF COMPREHENSIVE STRATEGY.—The Secretary of State, in consultation with the Secretary of Defense, the Director of National Intelligence, and such other government officials as may be appropriate, shall develop a comprehensive, cross-

border strategy that includes all elements of national power—diplomatic, military, intelligence, development assistance, humanitarian, law enforcement support, and strategic communications and information technology—for working with the Government of Pakistan, the Government of Afghanistan, NATO, and other like-minded allies to best implement effective counterterrorism and counterinsurgency measures in and near the Pakistan-Afghanistan border areas.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a detailed description of a comprehensive strategy for counterterrorism and counterinsurgency in the Pakistan-Afghanistan border areas containing the elements specified in subsection (a) and proposed timelines and budgets for implementing the strategy.

SEC. 9. SENSE OF CONGRESS.

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

(1) recognize the bold political steps the Pakistan electorate has taken during a time of heightened sensitivity and tension in 2007 and 2008 to elect a new civilian government, as well as the continued quest for good governance and the rule of law under the elected government in 2008 and 2009;

(2) seize this strategic opportunity in the interests of Pakistan as well as in the national security interests of the United States to expand its engagement with the Government and people of Pakistan in areas of particular interest and importance to the people of Pakistan;

(3) continue to build a responsible and reciprocal security relationship taking into account the national security interests of the United States as well as regional and national dynamics in Pakistan to further strengthen and enable the position of Pakistan as a major non-NATO ally;

(4) seek ways to strengthen our countries' mutual understanding and promote greater insight and knowledge of each other's social, cultural and historical diversity through personnel exchanges and support for the establishment of institutions of higher learning with international accreditation; and

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

SEC. 10. TERM OF YEARS.

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

JOHN ARTHUR "JACK" JOHNSON POSTHUMOUS PARDON

Mr. REID. I ask unanimous consent we now discharge the Judiciary Committee from further consideration of S. Con. Res. 29 and we proceed to that matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 29) expressing the sense of the Congress that John Arthur "Jack" Johnson should receive a posthumous pardon for the racially motivated conviction in 1913 that diminished the athletic, cultural, and historic significance of Jack Johnson and unduly tarnished his reputation.

Mr. REID. Mr. President, I ask unanimous consent to be a sponsor of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 29) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 29

Whereas John Arthur "Jack" Johnson was a flamboyant, defiant, and controversial figure in the history of the United States who challenged racial biases;

Whereas Jack Johnson was born in Galveston, Texas, in 1878 to parents who were former slaves;

Whereas Jack Johnson became a professional boxer and traveled throughout the United States, fighting White and African-American heavyweights;

Whereas, after being denied (on purely racial grounds) the opportunity to fight 2 White champions, in 1908, Jack Johnson was granted an opportunity by an Australian promoter to fight the reigning White titleholder, Tommy Burns;

Whereas Jack Johnson defeated Tommy Burns to become the first African-American to hold the title of Heavyweight Champion of the World;

Whereas, the victory by Jack Johnson over Tommy Burns prompted a search for a White boxer who could beat Jack Johnson, a recruitment effort that was dubbed the search for the "great white hope";

Whereas, in 1910, a White former champion named Jim Jeffries left retirement to fight Jack Johnson in Reno, Nevada;

Whereas Jim Jeffries lost to Jack Johnson in what was deemed the "Battle of the Century";

Whereas the defeat of Jim Jeffries by Jack Johnson led to rioting, aggression against African-Americans, and the racially motivated murder of African-Americans nationwide;

Whereas the relationships of Jack Johnson with White women compounded the resentment felt toward him by many Whites;

Whereas, between 1901 and 1910, 754 African-Americans were lynched, some for simply for being "too familiar" with White women;

Whereas, in 1910, Congress passed the Act of June 25, 1910 (commonly known as the "White Slave Traffic Act" or the "Mann Act") (18 U.S.C. 2421 et seq.), which outlawed the transportation of women in interstate or foreign commerce "for the purpose of prostitution or debauchery, or for any other immoral purpose";

Whereas, in October 1912, Jack Johnson became involved with a White woman whose mother disapproved of their relationship and sought action from the Department of Justice, claiming that Jack Johnson had abducted her daughter;

Whereas Jack Johnson was arrested by Federal marshals on October 18, 1912, for transporting the woman across State lines for an "immoral purpose" in violation of the Mann Act;

Whereas the Mann Act charges against Jack Johnson were dropped when the woman

refused to cooperate with Federal authorities, and then married Jack Johnson;

Whereas Federal authorities persisted and summoned a White woman named Belle Schreiber, who testified that Jack Johnson had transported her across State lines for the purpose of "prostitution and debauchery";

Whereas, in 1913, Jack Johnson was convicted of violating the Mann Act and sentenced to 1 year and 1 day in Federal prison;

Whereas Jack Johnson fled the United States to Canada and various European and South American countries;

Whereas Jack Johnson lost the Heavyweight Championship title to Jess Willard in Cuba in 1915;

Whereas Jack Johnson returned to the United States in July 1920, surrendered to authorities, and served nearly a year in the Federal penitentiary at Leavenworth, Kansas;

Whereas Jack Johnson subsequently fought in boxing matches, but never regained the Heavyweight Championship title;

Whereas Jack Johnson served his country during World War II by encouraging citizens to buy war bonds and participating in exhibition boxing matches to promote the war bond cause;

Whereas Jack Johnson died in an automobile accident in 1946; and

Whereas, in 1954, Jack Johnson was inducted into the Boxing Hall of Fame: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that Jack Johnson should receive a posthumous pardon—

(1) to expunge a racially motivated abuse of the prosecutorial authority of the Federal Government from the annals of criminal justice in the United States; and

(2) in recognition of the athletic and cultural contributions of Jack Johnson to society.

AFRICAN AMERICAN BONE MARROW AWARENESS MONTH

Mr. REID. I now ask unanimous consent the Senate proceed to the consideration of S. Res. 205.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 205) supporting the goals and ideals of African American Bone Marrow Awareness Month.

There being no objection, the Senate proceeded to consider the resolution.

Ms. STABENOW. Mr. President, this resolution will bring more attention to the crucial need for more minorities to become bone marrow donors. I am pleased to be joined by my colleague, Senator ISAKSON of Georgia, and my good friend, Representative CAROLYN CHEEKS KILPATRICK, in supporting this important endeavor.

According to A Bone Marrow Wish Foundation, bone marrow transplants can cure over 70 life-threatening diseases such as leukemia. About 70 percent of patients will need a nonfamily member to donate healthy marrow.

Generally, minority patients will need a match from someone who shares the same ethnicity. But finding a successful match can be a huge challenge: although there are more than 6 million potential donors registered, only 450,000 are African Americans.