

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1886
OFFERED BY MR. BERMAN OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Pakistan Enduring Assistance and Cooperation En-
4 hancement Act of 2009” or the “PEACE Act of 2009”.

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

- Sec. 1. Short title and table of contents.
- Sec. 2. Definitions.
- Sec. 3. Findings.
- Sec. 4. Declaration of principles.

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

- Sec. 101. Purposes of assistance.
- Sec. 102. Authorization of assistance.
- Sec. 103. Multilateral support for Pakistan.
- Sec. 104. Pakistan Democracy and Prosperity Fund.
- Sec. 105. Authorization of appropriations.

TITLE II—SECURITY ASSISTANCE FOR PAKISTAN

- Sec. 201. Sense of Congress.
- Sec. 202. Purposes of assistance.
- Sec. 203. Authorization of assistance.
- Sec. 204. Pakistan Counterinsurgency Capabilities Fund.
- Sec. 205. Exchange program between military and civilian personnel of Pakistan and certain other countries.
- Sec. 206. Limitation on United States military assistance to Pakistan.
- Sec. 207. Authorization of appropriations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Comprehensive regional security strategy.

Sec. 302. Monitoring and evaluation of assistance.

Sec. 303. Auditing.

Sec. 304. Requirements for civilian control of United States assistance for
Pakistan.

Sec. 305. Sense of Congress.

Sec. 306. Reports.

Sec. 307. Sunset.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

10 (2) COUNTERINSURGENCY.—The term
11 “counterinsurgency” means efforts to defeat orga-
12 nized movements that seek to overthrow the duly
13 constituted Governments of Pakistan and Afghani-
14 stan through the use of subversion and armed con-
15 flict.

16 (3) COUNTERTERRORISM.—The term
17 “counterterrorism” means efforts to combat—

18 (A) al Qaeda; and

19 (B) other terrorist organizations, as such
20 term is defined in section 212(a)(3)(B)(vi) of

1 the Immigration and Nationality Act (8 U.S.C.
2 1182(a)(3)(B)(vi)).

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

5 (5) FCR.—The term “FCR” means the Fron-
6 tier Crimes Regulation, codified under British law in
7 1901, and applicable to the FATA.

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

11 **SEC. 3. FINDINGS.**

12 Congress finds the following:

13 (1) The Islamic Republic of Pakistan has been
14 a critical ally of the United States for more than 4
15 decades.

16 (2) With the free and fair election of February
17 18, 2008, Pakistan returned to civilian rule after al-
18 most 9 years under a military dictatorship.

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

24 (4) Since 2001, the United States has contrib-
25 uted more than \$12,000,000,000 to Pakistan to

1 strengthen Pakistan's governance, economy, edu-
2 cation system, healthcare services, and military, so
3 as to bring freedom and opportunities to the people
4 of Pakistan while helping to combat terrorism and
5 to counter a domestic insurgency.

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

11 (6) Despite killing or capturing hundreds of al
12 Qaeda operatives and other terrorists—including
13 major al Qaeda leaders, such as Khalid Sheikh Mu-
14 hammad, Ramzi bin al-Shibh, and Abu Faraj al-
15 Libi—Pakistan's FATA, parts of the NWFP,
16 Quetta in Balochistan, and Muridke in Punjab re-
17 main a sanctuary for al Qaeda, the Afghan Taliban,
18 and affiliated groups from which these groups orga-
19 nize terrorist actions against Pakistan and other
20 countries.

21 (7) Pakistan's security forces have recently
22 begun taking concerted action against those who
23 threaten Pakistan's security and stability, with mili-
24 tary operations in the Bajour agency in the FATA

1 and in the Swat, Buner, and Dir districts in the
2 NWFP.

3 (8) The displacement of over 1,000,000 Paki-
4 stanis poses a grave humanitarian crisis and re-
5 quires the immediate attention of the United Na-
6 tions, and the strong support of donor nations, to
7 provide food, water, shelter, medicine, sanitation and
8 other emergency services and supplies to the dis-
9 placed, along with longer-term development assist-
10 ance. The humanitarian crisis highlights the need
11 for Pakistan to develop an effective national
12 counterinsurgency strategy, in order to mitigate
13 such displacement.

14 **SEC. 4. DECLARATION OF PRINCIPLES.**

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

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

1 (2) United States assistance to Pakistan is in-
2 tended to supplement, not supplant, Pakistan's own
3 efforts in building a stable, secure, and prosperous
4 Pakistan, and United States assistance will be whol-
5 ly ineffective without Pakistan's own serious efforts
6 to improve the health, education, and living stand-
7 ards of its population, including maintaining or in-
8 creasing the financial resources devoted to such ef-
9 forts.

10 (3) The United States supports Pakistan's
11 struggle against extremist elements and recognizes
12 the profound sacrifice made by Pakistan in the fight
13 against terrorism, including the loss of more than
14 1,600 soldiers since 2001 in combat with al Qaeda,
15 the Taliban, and other extremist and terrorist
16 groups.

17 (4) The United States intends to work with the
18 Government of Pakistan—

19 (A) to build mutual trust and confidence
20 by actively and consistently pursuing a sus-
21 tained, long-term, multifaceted relationship be-
22 tween the two countries, devoted to strength-
23 ening the mutual security, stability, and pros-
24 perity of both countries;

1 (B) to support the people of Pakistan and
2 their democratic government in their efforts to
3 consolidate democracy, through strengthening
4 Pakistan's parliament, helping Pakistan rees-
5 tablish an independent and transparent judicial
6 system, and working to extend the rule of law
7 in all areas in Pakistan;

8 (C) to promote long-term development and
9 infrastructure projects, including in healthcare,
10 water management, and energy programs, in all
11 areas of Pakistan, that are sustained and sup-
12 ported by each successive democratic govern-
13 ment in Pakistan;

14 (D) to encourage sustainable economic de-
15 velopment in Pakistan and the integration of
16 Pakistan into the global economy in order to
17 improve the living conditions of the people of
18 Pakistan;

19 (E) to ensure that the people of Pakistan,
20 including those living in areas governed by the
21 FCR, have access to public, modernized edu-
22 cation and vocational training to enable them to
23 provide for themselves, for their families, and
24 for a more prosperous future for their children;

1 (F) to expand people-to-people engagement
2 between the two countries, through increased
3 educational, technical, and cultural exchanges
4 and other methods;

5 (G) to ensure transparency of and provide
6 effective accountability for all United States as-
7 sistance and reimbursements provided to Paki-
8 stan;

9 (H) to take steps to improve Pakistan's
10 counterterrorism financing and anti-money
11 laundering laws to comply with international
12 standards, to include applying for "Financial
13 Action Task Force" observer status and adher-
14 ing to the United Nations International Con-
15 vention for the Suppression of the Financing of
16 Terrorism;

17 (I) to establish a counterinsurgency and
18 counterterrorism strategy to prevent any terri-
19 tory of Pakistan from being used as a base or
20 conduit for terrorist attacks in Pakistan, or
21 elsewhere, and ensure that madrasas in Paki-
22 stan are not used to incite terrorism;

23 (J) to ensure that Pakistan has strong and
24 effective law enforcement and national defense
25 forces, under civilian leadership, with sufficient

1 and appropriate security equipment and train-
2 ing to effectively defend Pakistan against inter-
3 nal and external threats;

4 (K) to ensure access of United States in-
5 vestigators to individuals suspected of engaging
6 in worldwide proliferation of nuclear materials,
7 as necessary, and restrict such individuals from
8 travel or any other activity that could result in
9 further proliferation;

10 (L) to help Pakistan meet its commitment
11 to not support any person or group that con-
12 ducts violence, sabotage, or other activities
13 meant to instill fear or terror in Pakistan's
14 neighboring countries; and

15 (M) to help Pakistan gain control of its
16 under governed areas and stop any support, di-
17 rection, guidance to, or acquiescence in the ac-
18 tivities of, any person or group that engages in
19 acts of violence or intimidation against civilians,
20 civilian groups, or governmental entities.

1 **TITLE I—DEMOCRATIC, ECO-**
2 **NOMIC, AND SOCIAL DEVEL-**
3 **OPMENT ASSISTANCE FOR**
4 **PAKISTAN**

5 **SEC. 101. PURPOSES OF ASSISTANCE.**

6 The purposes of assistance under this title are—

7 (1) to demonstrate unequivocally the long-term
8 commitment of the United States to the people of
9 Pakistan and Pakistan’s democratic institutions;

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

12 (3) to help build the capacity of law enforce-
13 ment forces in Pakistan to combat terrorism and
14 violent militancy and expeditiously investigate, ar-
15 rest, and prosecute alleged criminals, consistent with
16 the rule of law and due process;

17 (4) to further the sustainable and effective eco-
18 nomic and social development of Pakistan and the
19 improvement of the living conditions of the people of
20 Pakistan, especially in areas of direct interest and
21 importance to their daily lives;

22 (5) to strengthen regional ties between Pakistan
23 and its neighbors by offering concrete nonmilitary
24 assistance for issues of mutual economic and social
25 concern;

1 (6) to strengthen Pakistan’s public education
2 system, increase literacy, expand opportunities for
3 vocational training, and help create an appropriate
4 national curriculum for all schools in Pakistan;

5 (7) to expand people-to-people engagement be-
6 tween the United States and Pakistan, through in-
7 creased educational, technical, and cultural ex-
8 changes and other methods; and

9 (8) to strengthen respect for internationally rec-
10 ognized human rights in efforts to stabilize the secu-
11 rity environment in Pakistan.

12 **SEC. 102. AUTHORIZATION OF ASSISTANCE.**

13 (a) IN GENERAL.—To carry out the purposes of sec-
14 tion 101, the President is authorized to provide assistance
15 for Pakistan to support the activities described in sub-
16 section (b).

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

20 (1) FORTIFYING DEMOCRATIC INSTITUTIONS.—

21 To support, notwithstanding any other provision of
22 law, democratic institutions in Pakistan in order to
23 strengthen civilian rule and long-term stability, in-
24 cluding assistance such as—

1 (A) support for efforts to strengthen the
2 National Parliament of Pakistan, including—

3 (i) assistance to parliamentary com-
4 mittees to enhance the capacity to conduct
5 public hearings and oversee government
6 activities, including national security issues
7 and the military budget, to solicit input on
8 key public policy issues, and to oversee the
9 conduct of elections;

10 (ii) support for the establishment of
11 constituency offices and otherwise promote
12 the responsibility of members of par-
13 liament to respond to constituents; and

14 (iii) strengthening of the role of par-
15 liamentary leadership;

16 (B) support for voter education and civil
17 society training, including training with grass-
18 roots organizations to enhance the capacity of
19 the organizations to advocate for the develop-
20 ment of public policy;

21 (C) support for political parties, including
22 increasing their capacity and protecting their
23 right to carry out political activities without re-
24 striction (other than reasonable administrative
25 requirements commonly applied in democratic

1 countries) and fostering the responsiveness of
2 such parties to the needs of the people of Paki-
3 stan;

4 (D) support for strengthening the capacity
5 of the civilian Government of Pakistan to carry
6 out its responsibilities, including supporting the
7 establishment of frameworks that promote gov-
8 ernment transparency and criminalize corrup-
9 tion in both the government and private sector,
10 audit offices, inspectors general offices, third
11 party monitoring of government procurement
12 processes, whistle blower protections, and anti-
13 corruption agencies; and

14 (E) in particular, support for efforts by the
15 Government of Pakistan to promote governance
16 reforms in the FATA, including—

17 (i) extension of the Political Parties
18 Act;

19 (ii) local experimentation with meth-
20 ods to transition from the FCR; and

21 (iii) long-term development of durable
22 and responsive political institutions.

23 (2) ENHANCEMENT AND STRENGTHENING OF
24 THE JUDICIAL SYSTEM AND LAW ENFORCEMENT.—

25 To support, notwithstanding any other provision of

1 law, Pakistan's efforts to expand the rule of law and
2 build the capacity, transparency, and trust in gov-
3 ernment institutions, at the national, provincial, and
4 local levels, including assistance such as—

5 (A) support for the rule of law and sys-
6 temic improvement of judicial and criminal jus-
7 tice institutions, including—

8 (i) management of courts;

9 (ii) enhanced career opportunities and
10 professional training for judges, public de-
11 fenders, and prosecutors;

12 (iii) efforts to enhance the rule of law
13 to all areas in Pakistan where the writ of
14 the government is under heightened chal-
15 lenge by terrorists and militants, including
16 through innovations in the delivery of judi-
17 cial services that enhance the legitimacy of
18 state institutions;

19 (B) support for professionalization of the
20 police, including—

21 (i) training regarding use of force;

22 (ii) education and training regarding
23 human rights;

24 (iii) training regarding evidence pres-
25 ervation and chain of custody; and

1 (iv) training regarding community po-
2 licing;

3 (C) support for independent law enforce-
4 ment agencies, such as the Intelligence Bureau
5 of the Ministry of Interior, responsive to civilian
6 control, including—

7 (i) enhanced coordination with judicial
8 processes;

9 (ii) enhancement of forensics capabili-
10 ties;

11 (iii) data collection and analyses;

12 (iv) case tracking and management;

13 (v) financial intelligence functions;

14 and

15 (vi) maintenance of data systems to
16 track terrorist of criminal activity; and

17 (D) strengthening the capacity of the po-
18 lice and other civilian law enforcement agencies
19 to provide a robust response to threats from ex-
20 tremists and terrorists along the frontier and
21 elsewhere in Pakistan, including—

22 (i) the development of an elite rapid
23 reaction force which could be deployed on
24 short notice to secure areas that are
25 threatened by militancy; and

1 (ii) facilitating improved
2 counterterrorism and counterinsurgency
3 coordination between local government offi-
4 cials, the police, paramilitary, and military
5 leaders.

6 (3) SUPPORT FOR BROAD-BASED AND SUSTAIN-
7 ABLE ECONOMIC DEVELOPMENT.—To support eco-
8 nomic development in Pakistan by—

9 (A) promoting energy sector reform and
10 development;

11 (B) expanding assistance for agricultural
12 and rural development, including farm-to-mar-
13 ket roads, systems to prevent spoilage and
14 waste, and other small-scale infrastructure im-
15 provements that will enhance supply and dis-
16 tribution networks;

17 (C) increasing employment opportunities,
18 including support to small and medium enter-
19 prises, microfinance and microenterprise activi-
20 ties, and in particular programs to improve the
21 lives of women and girls; and

22 (D) increasing investment in infrastruc-
23 ture, including construction of roads, water re-
24 source management systems, irrigation chan-

1 nels, and continued development of a national
2 aviation industry and aviation infrastructure.

3 (4) SUPPORT TO INCREASE LOCAL CAPACITY.—

4 To increase the capacity and improve the sustain-
5 ability of Pakistan’s national, provincial, and local
6 governmental and nongovernmental institutions, in-
7 cluding assistance to—

8 (A) increase and improve the capacity of
9 Pakistan’s national, provincial, and local gov-
10 ernmental institutions by—

11 (i) providing technical assistance to all
12 ministries to improve transparency and
13 ability to respond to the needs of the peo-
14 ple of Pakistan; and

15 (ii) promoting the implementation of
16 fiscal and personnel management, includ-
17 ing revenue tracking and expenditure sys-
18 tems;

19 (B) enhance the capacity of Pakistan’s
20 nongovernmental and civil society organizations
21 to respond to the needs of the people of Paki-
22 stan by—

23 (i) increasing support for local non-
24 governmental organizations with dem-
25 onstrated experience in delivering services

1 to the people of Pakistan, particularly to
2 women, children, and other vulnerable pop-
3 ulations in Pakistan;

4 (ii) providing training and education
5 to local nongovernmental and civil society
6 organizations on ways to identify and im-
7 prove the delivery of services to the people
8 of Pakistan; and

9 (iii) promoting local ownership and
10 participation, including encouraging com-
11 munities to contribute a percentage of the
12 value of United States projects or activities
13 carried out under this title in the form of
14 labor, in-kind materials, or other provi-
15 sions.

16 (5) SUPPORT FOR PUBLIC EDUCATION SYS-
17 TEM.—To support Pakistan’s public education sys-
18 tem, including—

19 (A) implementation of a national education
20 strategy, to include both primary and secondary
21 education, focused on literacy and civic edu-
22 cation, including—

23 (i) programs to assist development of
24 modern, nationwide school curriculums for
25 public, private, and religious schools that

1 incorporate relevant subjects, such as
2 math, science, literature, and human rights
3 awareness, in addition to agricultural edu-
4 cation and training;

5 (ii) enhancement of civic education
6 programs focused on political participation,
7 democratic institutions, and tolerance of
8 diverse ethnic and religious groups; and

9 (iii) support for the proper oversight
10 of all educational institutions, including
11 madrasas, as required by Pakistani law, in-
12 cluding registration with the Ministry of
13 Education and regular monitoring of cur-
14 riculum by the Ministry of Education to
15 ensure students in Pakistan receive a com-
16 prehensive education;

17 (B) initiatives to enhance the access to
18 education for women and girls, and to increase
19 women's literacy, with special emphasis on help-
20 ing girls stay in school;

21 (C) funding to the Government of Pakistan
22 to use to increase immediately teacher salaries
23 and to recruit and train teachers and adminis-
24 trators, as well as develop formalized salary
25 scales with merit-based pay increases;

1 (D) establishment of vocational and tech-
2 nical programs to enhance employment opportu-
3 nities;

4 (E) encouragement of United States and
5 Pakistani public-private partnerships to in-
6 crease investment in higher education and tech-
7 nical training opportunities;

8 (F) construction and maintenance of public
9 schools, including water sanitation, perimeter
10 walls, and recreation areas;

11 (G) provision of textbooks and other learn-
12 ing materials and food assistance for student
13 meals; and

14 (H) provision of software to educational in-
15 stitutions and students at the lowest possible
16 cost, specifically targeting universities that spe-
17 cialize in information technology, and women's
18 colleges and women's secondary schools.

19 (6) SUPPORT FOR HUMAN RIGHTS.—To pro-
20 mote respect for and compliance with internationally
21 recognized human rights, including assistance such
22 as—

23 (A) programs to strengthen civil society or-
24 ganizations that promote internationally recog-
25 nized human rights, including religious free-

1 dom, freedom of expression, and freedom of as-
2 sociation, and that support human rights moni-
3 toring;

4 (B) promotion of education regarding
5 internationally recognized human rights;

6 (C) programs designed to end traditional
7 practices and punishments that are inconsistent
8 with internationally recognized human rights
9 norms and protections, such as honor killings
10 and other forms of cruel and unusual punish-
11 ments;

12 (D) promotion of freedom of religion and
13 religious tolerance, protection of religious mi-
14 norities, and promotion of freedom of expres-
15 sion and association, including support for re-
16 sponsible independent media;

17 (E) promotion of nongovernmental organi-
18 zations that focus on the protection of women
19 and girls, including women-led organizations
20 and programs that support the participation of
21 women in the national, provincial, and local po-
22 litical process, and programs to end violence
23 against women, including rape;

24 (F) technical, legal, and law enforcement
25 assistance for the investigation of past dis-

1 appearances of individuals in Pakistan and the
2 development of a national data base of such in-
3 dividuals; and

4 (G) programs in support and protection of
5 the rights of ethnic minorities in Pakistan, in-
6 cluding Baluchis, Sindhis, and Pashtuns, to
7 preserve their language, culture, traditional
8 areas of inhabitancy, and to fight any direct or
9 indirect discrimination.

10 (7) SUPPORT FOR REFUGEES AND INTERNALLY
11 DISPLACED PERSONS.—It is the sense of Congress
12 that—

13 (A) counterinsurgency operations being
14 carried out by the Government of Pakistan
15 should be designed to minimize civilian casual-
16 ties and collateral damage to the people of
17 Pakistan and to provide security for the deliv-
18 ery of humanitarian assistance to the affected
19 civilian population;

20 (B) the United States should continue to
21 provide robust assistance to the people of Paki-
22 stan who have been displaced as a result of on-
23 going conflict and violence;

24 (C) the United States should support
25 international efforts to coordinate assistance to

1 refugees and internally displaced persons in
2 Pakistan, including by providing support to
3 international and nongovernmental organiza-
4 tions for this purpose;

5 (D) the Administrator of the United States
6 Agency for International Development should
7 support the development objectives of the Ref-
8 ugee Affected and Host Areas (RAHA) Initia-
9 tive in Pakistan to address livelihoods, health,
10 education, infrastructure development, and en-
11 vironmental restoration in identified parts of
12 the county where Afghan refugees have lived;
13 and

14 (E) the Administrator of the United States
15 Agency for International Development should
16 evaluate the effectiveness of the livelihoods
17 projects in the FATA in order to determine
18 whether systems need to be put into place to
19 improve programming in this key sector.

20 (8) SUPPORT FOR HEALTHCARE EFFORTS.—To
21 provide urgently needed healthcare assistance to the
22 people of Pakistan, including assistance to supple-
23 ment the Government of Pakistan's efforts to elimi-
24 nate diseases, including hepatitis.

1 (9) SUPPORT FOR PUBLIC DIPLOMACY.—To im-
2 plement a more effective public diplomacy strategy
3 in Pakistan in order to ensure that the Pakistani
4 public recognizes that it is in Pakistan’s own inter-
5 est to partner with the United States and other like-
6 minded countries to combat militant extremism, as
7 well as to promote a better understanding of the
8 United States, including through the following:

9 (A) Partnering with the Government of
10 Pakistan to highlight the negative behavior of
11 insurgent groups and to encourage civil society,
12 respected scholars, and other leaders to speak
13 out against militancy and violence.

14 (B) Providing technical assistance to the
15 Government of Pakistan to both disrupt and
16 provide alternatives to the illegal FM radio sta-
17 tions used by insurgent groups in the FATA
18 and adjacent districts of the NWFP.

19 (C) Expanded exchange activities under
20 the Fulbright Program, the International Vis-
21 itor Leadership Program, the Youth Exchange
22 and Study Program, and related programs ad-
23 ministered by the Department of State designed
24 to promote mutual understanding and interfaith
25 dialogue.

1 (D) Expansion of sister institution pro-
2 grams between United States and Pakistani
3 schools and universities, towns and cities, and
4 other organizations in such fields as medicine
5 and healthcare, business management, environ-
6 mental protection, information technology, and
7 agriculture.

8 (E) Additional scholarships to enable stu-
9 dents to study in the United States.

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

11 To the extent that Pakistan continues to evolve to-
12 ward civilian control of the government and to develop and
13 implement comprehensive economic reform programs, the
14 President should do the following:

15 (1) **MULTILATERAL SUPPORT.**—Take the lead
16 in mobilizing international financial institutions, in
17 particular the International Monetary Fund and af-
18 filiated institutions in the World Bank group, to pro-
19 vide timely and appropriate resources to help Paki-
20 stan.

21 (2) **STABILIZATION ASSISTANCE.**—In conjunc-
22 tion with other governments and international finan-
23 cial institutions (including the International Mone-
24 tary Fund), support the implementation of a plan of
25 the Government of Pakistan to attack structural

1 economic problems, address pressing social problems,
2 carry out comprehensive economic reform, and re-
3 lieve immediate and urgent balance of payments re-
4 quirements in Pakistan.

5 (3) CURRENCY STABILIZATION LOANS.—Pro-
6 vide leadership in supporting multilateral agree-
7 ments to provide government-to-government loans
8 for currency stabilization in Pakistan if the loans
9 can reduce inflation and thereby foster conditions
10 necessary for the effective implementation of eco-
11 nomic reforms.

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

13 (a) ESTABLISHMENT OF FUND.—There is estab-
14 lished in the Treasury of the United States a fund to be
15 known as the “Pakistan Democracy and Prosperity Fund”
16 (hereinafter in this section referred to as the “Fund”),
17 consisting of such amounts as may be appropriated or
18 transferred to the Fund as provided in this section and
19 which may be used for purposes of this title.

20 (b) TRANSFERS TO FUND.—The Fund shall consist
21 of the following:

22 (1) Amounts appropriated to carry out this
23 title.

24 (2) Amounts appropriated on or after the date
25 of the enactment of this Act for “Development As-

1 sistance”, “Global Health and Child Survival”, and
2 the “Economic Support Fund” for assistance for
3 Pakistan under the Foreign Assistance Act of 1961
4 (22 U.S.C. 2151 et seq.) that are transferred by the
5 President to the Fund pursuant to subsection (d).

6 (3) To the extent or in the amounts provided in
7 advance in appropriations Acts, amounts accepted by
8 the President under subsection (c) that are trans-
9 ferred by the President to the Fund pursuant to
10 subsection (d).

11 (c) ACCEPTANCE OF AMOUNTS FROM OUTSIDE
12 SOURCES.—The President may accept funds from non-
13 United States Government sources, including foreign gov-
14 ernments, nongovernmental organizations, private busi-
15 ness entities, and private individuals, for purposes of car-
16 rying out this title.

17 (d) STATUS OF AVAILABILITY OF AMOUNTS IN
18 FUND.—The President is authorized to transfer to the
19 Fund amounts under subsection (b) (2) and (3). Such
20 amounts shall be merged with and shall be available for
21 any purpose for which any of the amounts so transferred
22 are available.

23 (e) REPORT.—The President shall transmit to the
24 appropriate congressional committees not later than 180
25 days after the date of the enactment of this Act, and every

1 180 days thereafter until September 30, 2018, a report
2 on programs, projects, and activities carried out using
3 amounts obligated and expended from the Fund.

4 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

5 (a) IN GENERAL.—There are authorized to be appro-
6 priated to the President to carry out this title
7 \$1,500,000,000 for each of the fiscal years 2010 through
8 2013.

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

11 (1) authorized to remain available until Sep-
12 tember 30 of the succeeding fiscal year; and

13 (2) in addition to amounts otherwise available
14 for such purposes.

15 (c) SENSE OF THE CONGRESS.—It is the sense of
16 Congress that United States assistance provided under
17 this title should be made available on a proportional and
18 equitable basis between the FATA and other regions of
19 Pakistan.

20 **TITLE II—SECURITY**
21 **ASSISTANCE FOR PAKISTAN**

22 **SEC. 201. SENSE OF CONGRESS.**

23 It is the sense of Congress that—

24 (1) United States security assistance for Paki-
25 stan should be used to improve relationships between

1 United States military and Pakistani military per-
2 sonnel, including outreach to the “lost generation”
3 of Pakistan’s officers who did not attend United
4 States-sponsored training as a result of restrictions
5 placed on United States assistance for Pakistan due
6 to Pakistan’s possession of a nuclear device; and

7 (2) United States security assistance for Paki-
8 stan should be fully accountable, should be contin-
9 gent on Pakistan ending support for terrorist
10 groups, and should meet the national security needs
11 of Pakistan.

12 **SEC. 202. PURPOSES OF ASSISTANCE.**

13 The purposes of assistance under this title are—

14 (1) to support Pakistan’s paramount national
15 security need to fight and win the ongoing
16 counterinsurgency within its borders;

17 (2) to work with the Government of Pakistan to
18 protect and secure Pakistan’s borders and prevent
19 any Pakistani territory from being used as a base or
20 conduit for terrorist attacks in Pakistan, or else-
21 where;

22 (3) to work in close cooperation with the Gov-
23 ernment of Pakistan to coordinate action against ex-
24 tremist and terrorist targets; and

1 (4) to develop knowledge of and appreciation
2 for democratic governance and a military that is
3 controlled by and responsible to democratically elect-
4 ed civilian leadership.

5 **SEC. 203. AUTHORIZATION OF ASSISTANCE.**

6 (a) INTERNATIONAL MILITARY EDUCATION AND
7 TRAINING.—

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

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

22 (b) FOREIGN MILITARY FINANCING PROGRAM.—

23 (1) IN GENERAL.—Of the amounts authorized
24 to be appropriated to carry out this title for a fiscal
25 year, not less than \$300,000,000 is authorized to be

1 made available for grant assistance under section 23
2 of the Arms Export Control Act (22 U.S.C. 2763;
3 relating to the Foreign Military Financing program)
4 for the purchase of defense articles, defense services,
5 and military education and training for Pakistan.

6 (2) USE OF FUNDS.—Not less than 75 percent
7 of the amount authorized to be made available under
8 this subsection for a fiscal year is authorized to be
9 used for the purchase of defense articles, defense
10 services, and military education and training for ac-
11 tivities relating to counterinsurgency and
12 counterterrorism operations in Pakistan. Such arti-
13 cles, services, and military education and training
14 may include the following:

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

20 (B) Intelligence, surveillance, and recon-
21 naissance (ISR) ground and air manned and
22 unmanned platforms, including sustainment.

23 (C) Command and control capabilities.

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

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

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

14 (G) Assistance to enable the Pakistani
15 military to distribute humanitarian assistance
16 and establish a tactical civil-military operations
17 capability, including a civil affairs directorate.

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

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

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

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

9 (C) EXCEPTION.—Amounts authorized to
10 be made available under this subsection for a
11 fiscal year are authorized to be used for mili-
12 tary construction pursuant to the security plan
13 contained in the Letters of Offer and Accept-
14 ance signed between the United States and
15 Pakistan in 2006.

16 (D) WAIVER.—The President may waive
17 the restriction under subparagraph (B) with re-
18 spect to amounts authorized to be made avail-
19 able under this subsection for a fiscal year,
20 other than amounts authorized to be made
21 available under paragraph (2) of this sub-
22 section, if the President certifies to the appro-
23 priate congressional committees not later than
24 15 days prior to exercising the authority of this
25 subparagraph that the waiver is important to

1 the national security interests of the United
2 States.

3 (4) SECURITY ASSISTANCE PLAN.—Not later
4 than 180 days after the date of the enactment of
5 this Act, the President shall transmit to the appro-
6 priate congressional committees a plan for the pro-
7 posed use of amounts authorized to be made avail-
8 able under this subsection for each of the fiscal
9 years 2010 through 2013. Such plan may be trans-
10 mitted to the appropriate congressional committees
11 in conjunction with the plan required under section
12 204(f)(1).

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

18 (c) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the United States should facilitate Pakistan’s
20 establishment of a program to enable the Pakistani mili-
21 tary to provide reconstruction assistance in areas damaged
22 by combat operations.

1 **SEC. 204. PAKISTAN COUNTERINSURGENCY CAPABILITIES**

2 **FUND.**

3 (a) **ESTABLISHMENT OF FUND.**—There is estab-
4 lished in the Treasury of the United States a fund to be
5 known as the “Pakistan Counterinsurgency Capabilities
6 Fund” (hereinafter in this section referred to as the
7 “Fund” or the “PCCF”), consisting of such amounts as
8 may be appropriated or transferred to the Fund as pro-
9 vided in this section.

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

12 (1) Amounts appropriated to carry out this sec-
13 tion.

14 (2) Amounts appropriated on or after the date
15 of the enactment of this Act to carry out the provi-
16 sions of chapter 8 of part I and chapters 2, 5, 6,
17 and 8 of part II of the Foreign Assistance Act of
18 1961 and section 23 of the Arms Export Control
19 Act for assistance for enhancing counterinsurgency
20 capabilities of Pakistan that are transferred by the
21 President to the Fund pursuant to subsection (e).

22 (c) **PURPOSES OF FUND.**—Amounts in the Fund are
23 authorized to be used by the Secretary of State, with the
24 concurrence of the Secretary of Defense, to enhance the
25 capability of Pakistan to conduct counterinsurgency and
26 counterterrorism operations, including—

1 (1) the training and equipping of the armed
2 forces of Pakistan, including the articles, services,
3 and military education and training described in sec-
4 tion 203(b)(2);

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

9 (3) building the capability of the forces de-
10 scribed in paragraphs (1) and (2) to respond to ur-
11 gent humanitarian relief and reconstruction require-
12 ments that will immediately assist those civilians af-
13 fected by military operations.

14 (d) ADDITIONAL AUTHORITY.—

15 (1) IN GENERAL.—Except as provided in sec-
16 tion 3(a)(2) of the Arms Export Control Act and ex-
17 cept as otherwise provided in this title, amounts in
18 the Fund shall be available notwithstanding any
19 other provision of law.

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

23 (e) TRANSFER AUTHORITY.—

24 (1) IN GENERAL.—The Secretary of State may
25 transfer amounts appropriated for Pakistan pursu-

1 ant to the provisions of law described in subsection
2 (b)(2) to the Fund. Such funds shall be merged with
3 amounts in the Fund and shall be available for any
4 purpose for which any of the amounts so transferred
5 are available.

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

18 (3) NOTIFICATION.—The Secretary of State
19 shall, not less than 15 days prior to making trans-
20 fers from Fund, notify the appropriate congressional
21 committees in writing of the details of any such
22 transfer. If the Secretary determines that it is in the
23 national security interest of the United States to
24 transfer such funds immediately, the Secretary shall

1 notify the appropriate congressional committees not
2 later than 5 days after the transfer of such funds.

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

14 (5) RELATIONSHIP TO OTHER LAWS.—The au-
15 thority of this section is in addition to transfer au-
16 thorities provided in the Foreign Assistance Act of
17 1961 or under any other provision of law.

18 (f) REPORT.—

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

24 (2) IMPLEMENTATION.—Not later than April 1,
25 2010, and every six months thereafter through Sep-

1 tember 30, 2013, the Secretary shall submit to the
2 appropriate congressional committees a report sum-
3 marizing, on a project-by-project basis, the activities
4 carried out by the Fund, including a description of
5 provisions of law waived to carry out such activities.

6 (g) SUBMISSION OF REPORTS AND NOTIFICA-
7 TIONS.—Any report or notification required by this section
8 shall be submitted in classified form, but may include a
9 unclassified annex if necessary.

10 (h) APPROPRIATE CONGRESSIONAL COMMITTEES
11 DEFINED.—In this section, the term “appropriate con-
12 gressional committees” means—

13 (1) the Committee on Appropriations, the Com-
14 mittee on Armed Services, and the Committee on
15 Foreign Affairs of the House of Representatives;
16 and

17 (2) the Committee on Appropriations, the Com-
18 mittee on Armed Services, and the Committee on
19 Foreign Relations of the Senate.

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

1 **SEC. 205. EXCHANGE PROGRAM BETWEEN MILITARY AND**
2 **CIVILIAN PERSONNEL OF PAKISTAN AND**
3 **CERTAIN OTHER COUNTRIES.**

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

6 (1) military and civilian personnel of Pakistan,
7 and

8 (2)(A) military and civilian personnel of coun-
9 tries determined by the Secretary of State to be in
10 transition to democracy, or

11 (B) military and civilian personnel of North At-
12 lantic Treaty Organization member countries,

13 in order to foster greater respect for and understanding
14 of the principle of civilian rule of Pakistan’s military. The
15 program established under this subsection shall be known
16 as the “Pakistan Military Transition Program”.

17 (b) ELEMENTS OF PROGRAM.—The program author-
18 ized under subsection (a) may include—

19 (1) conferences, seminars, and other events;

20 (2) distribution of publications; and

21 (3) reimbursement of expenses of foreign mili-
22 tary personnel participating in the program, includ-
23 ing transportation expenses, translation services ex-
24 penses, and administrative expenses relating to the
25 program.

1 (c) ROLE OF NONGOVERNMENTAL ORGANIZA-
2 TIONS.—Amounts authorized to be appropriated to carry
3 out this title for a fiscal year are authorized to be made
4 available for nongovernmental organizations to facilitate
5 the implementation of the program authorized under sub-
6 section (a).

7 **SEC. 206. LIMITATION ON UNITED STATES MILITARY AS-**
8 **SISTANCE TO PAKISTAN.**

9 (a) PROHIBITION ON USE OF FUNDS.—None of the
10 funds authorized to be appropriated for military assistance
11 to Pakistan for fiscal year 2011 and each fiscal year there-
12 after may be obligated or expended if the President has
13 not made the determinations described in subsection (b)
14 for such fiscal year.

15 (b) DETERMINATIONS REGARDING ENHANCED CO-
16 OPERATION BETWEEN THE UNITED STATES AND PAKI-
17 STAN.—The determinations referred to in subsection (a)
18 are—

19 (1) a determination by the President at the be-
20 ginning of each fiscal year that the Government of
21 Pakistan is continuing to cooperate with the United
22 States in efforts to dismantle supplier networks re-
23 lating to the acquisition of nuclear weapons-related
24 materials, including, as necessary, providing access

1 to Pakistani nationals associated with such net-
2 works; and

3 (2) a determination by the President at the be-
4 ginning of each fiscal year that the Government of
5 Pakistan during the preceding fiscal year has dem-
6 onstrated a sustained commitment to and making
7 progress towards combating terrorist groups, includ-
8 ing taking into account the progress the Government
9 of Pakistan has made with regard to—

10 (A) ceasing support, including by any ele-
11 ments within the Pakistan military or its intel-
12 ligence agency, to extremist and terrorist
13 groups, particularly to any group that has con-
14 ducted attacks against United States or coali-
15 tion forces in Afghanistan, or against the terri-
16 tory or people of neighboring countries.

17 (B) closing terrorist camps in the FATA,
18 dismantling terrorist bases of operations in
19 other parts of the country, including Quetta
20 and Muridke, and taking action when provided
21 with intelligence about high-level terrorist tar-
22 gets;

23 (C) preventing cross border attacks into
24 neighboring countries; and

1 (D) strengthening counter-terrorism and
2 anti-money laundering laws.

3 (c) WAIVER.—The President may waive the restric-
4 tion under subsection (a) for any fiscal year if the Presi-
5 dent certifies to the appropriate congressional committees
6 15 days before the President exercises the authority of this
7 subsection that the provision of military assistance to
8 Pakistan is important to the national security interest of
9 the United States.

10 (d) CONSULTATION AND WRITTEN JUSTIFICA-
11 TION.—Not later than 5 days prior to making a deter-
12 mination described in subsection (b), the President shall
13 consult with the appropriate congressional committees
14 and, upon making such determination, shall submit to the
15 appropriate congressional committees a written justifica-
16 tion that specifies the basis upon which the President
17 made such a determination, including an acknowledgment
18 of the extent to which the Government of Pakistan has
19 made progress with regard to subsection (b)(2). The jus-
20 tification shall be unclassified but may include a classified
21 annex.

22 (e) DEFINITIONS.—For purposes of this section—

23 (1) the term “appropriate congressional com-
24 mittees” means the Committees on Foreign Affairs
25 and Armed Services of the House of Representatives

1 and the Committees on Foreign Relations and
2 Armed Services of the Senate; and

3 (2) the term “military assistance”—

4 (A) means assistance authorized under sec-
5 tion 23 of the Arms Export Control Act (22
6 U.S.C. 2763; relating to the Foreign Military
7 Financing program), including assistance au-
8 thorized under section 203(b) of this Act, as-
9 sistance authorized under section 204 of this
10 Act, and assistance authorized under part II of
11 the Foreign Assistance Act of 1961 (22 U.S.C.
12 2301 et seq.), other than assistance authorized
13 under chapter 5 of part II of such Act (22
14 U.S.C. 2347 et seq.); but

15 (B) does not include assistance authorized
16 under any provision of law that is funded from
17 accounts within budget function 050 (National
18 Defense).

19 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) IN GENERAL.—There are authorized to be appro-
21 priated to the President to carry out this title, other than
22 section 204, \$400,000,000 for each of the fiscal years
23 2010 through 2013.

24 (b) RELATION TO OTHER AVAILABLE FUNDS.—
25 Amounts authorized to be appropriated to carry out this

1 title for a fiscal year are in addition to amounts otherwise
2 available for such purposes.

3 **TITLE III—MISCELLANEOUS** 4 **PROVISIONS**

5 **SEC. 301. COMPREHENSIVE REGIONAL SECURITY STRAT-** 6 **EGY.**

7 (a) SENSE OF CONGRESS.—It is the sense of Con-
8 gress that the achievement of United States national secu-
9 rity goals to eliminate terrorist threats and close safe ha-
10 vens in Pakistan requires the development of a com-
11 prehensive plan that utilizes all elements of national
12 power, including in coordination and cooperation with
13 other concerned governments, and that it is critical to
14 Pakistan's long term prosperity and security to strengthen
15 regional relationships among India, Pakistan, and Afghan-
16 istan.

17 (b) COMPREHENSIVE REGIONAL SECURITY STRAT-
18 EGY.—The President shall develop a comprehensive re-
19 gional security strategy to eliminate terrorist threats and
20 close safe havens in Pakistan, including by working with
21 the Government of Pakistan and other relevant govern-
22 ments and organizations in the region and elsewhere, as
23 appropriate, to best implement effective counterinsurgency
24 and counterterrorism efforts in and near the border areas

1 of Pakistan and Afghanistan, including the FATA,
2 NWFP, parts of Balochistan, and parts of Punjab.

3 (c) REPORT.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 President shall transmit to the appropriate congres-
7 sional committees a report on the comprehensive re-
8 gional security strategy required under subsection
9 (b).

10 (2) CONTENTS.—The report shall include a
11 copy of the comprehensive regional security strategy,
12 including specifications of goals, and proposed
13 timelines and budgets for implementation of the
14 strategy.

15 (d) DEFINITION.—For purposes of this section, the
16 term “appropriate congressional committees” means the
17 Committees on Foreign Affairs and Armed Services of the
18 House of Representatives and the Committees on Foreign
19 Relations and Armed Services of the Senate.

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

21 (a) DEFINITIONS.—In this section:

22 (1) IMPACT EVALUATION RESEARCH.—The
23 term “impact evaluation research” means the appli-
24 cation of research methods and statistical analysis to
25 measure the extent to which change in a population-

1 based outcome can be attributed to program inter-
2 vention instead of other environmental factors.

3 (2) OPERATIONS RESEARCH.—The term “oper-
4 ations research” means the application of social
5 science research methods, statistical analysis, and
6 other appropriate scientific methods to judge, com-
7 pare, and improve policies and program outcomes,
8 from the earliest stages of defining and designing
9 programs through their development and implemen-
10 tation, with the objective of the rapid dissemination
11 of conclusions and concrete impact on programming.

12 (3) PROGRAM MONITORING.—The term “pro-
13 gram monitoring” means the collection, analysis,
14 and use of routine program data to determine how
15 well a program is carried out and how much the pro-
16 gram costs.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) to successfully enhance democracy and the
20 rule of law in Pakistan, defeat extremist elements,
21 and ensure the protection of human rights, the
22 President should establish a program to conduct im-
23 pact evaluation research, operations research, and
24 program monitoring to ensure effectiveness of assist-
25 ance provided under title I of this Act;

1 (2) long-term solutions to Pakistan's security
2 problems depend on increasing the effectiveness and
3 responsiveness of civilian institutions in Pakistan,
4 including the parliament and judicial system;

5 (3) a specific program of impact evaluation re-
6 search, operations research, and program moni-
7 toring, established at the inception of the program,
8 is required to permit assessment of the operational
9 effectiveness of impact of United States assistance
10 towards these goals; and

11 (4) the President, in developing performance
12 measurement methods under the impact evaluation
13 research, operations research, and program moni-
14 toring, should consult with the appropriate congres-
15 sional committees as well as the Government of
16 Pakistan.

17 (c) IMPACT EVALUATION RESEARCH, OPERATION
18 RESEARCH AND PROGRAM MONITORING OF ASSIST-
19 ANCE.—The President shall establish and implement a
20 program to assess the effectiveness of assistance provided
21 under title I of this Act through impact evaluation re-
22 search on a selected set of programmatic interventions, op-
23 erations research in areas to ensure efficiency and effec-
24 tiveness of program implementation, and monitoring to
25 ensure timely and transparent delivery of assistance.

1 (d) REQUIREMENTS.—The program required under
2 subsection (c) shall include—

3 (1) a delineation of key impact evaluation re-
4 search and operations research questions for main
5 components of assistance provided under title I of
6 this Act;

7 (2) an identification of measurable performance
8 goals for each of the main components of assistance
9 provided under title I of this Act to be expressed in
10 an objective and quantifiable form at the inception
11 of the program;

12 (3) the use of appropriate methods, based on
13 rigorous social science tools, to measure program im-
14 pact and operational efficiency; and

15 (4) adherence to a high standard of evidence in
16 developing recommendations for adjustments to the
17 assistance to enhance the impact of the assistance.

18 (e) ASSISTANCE TO ENHANCE THE CAPACITY OF
19 PAKISTAN.—In carrying out the program required under
20 subsection (c), the President is authorized to provide as-
21 sistance to enhance the capacity of the Government of
22 Pakistan to monitor and evaluate programs carried out
23 by the national, provincial, and local governments in Paki-
24 stan in order to maximize the long-term sustainable devel-
25 opment impact of such programs.

1 (f) CONSULTATION WITH CONGRESS.—Not later
2 than 120 days after the date of the enactment of this Act,
3 the President shall brief and consult with the appropriate
4 congressional committees regarding the progress in estab-
5 lishing and implementing the program required under sub-
6 section (c).

7 (g) AUTHORIZATION OF APPROPRIATIONS.—Of the
8 amounts authorized to be appropriated under section 105
9 for each of the fiscal years 2010 through 2013, up to 5
10 percent of such amounts for such fiscal year is authorized
11 to be made available to carry out this section for the fiscal
12 year.

13 **SEC. 303. AUDITING.**

14 (a) ASSISTANCE AUTHORIZED.—The Inspector Gen-
15 eral of the Department of State and the Inspector General
16 of the United States Agency for International Develop-
17 ment shall audit, investigate, and oversee the obligation
18 and expenditure of funds to carry out title I of this Act.

19 (b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—
20 The Inspector General of the Department of State and
21 the Inspector General of the United States Agency for
22 International Development, after consultation with the
23 Secretary of State and the Administrator of the United
24 States Agency for International Development, are author-
25 ized to establish field offices in Pakistan with sufficient

1 staff from each of the Offices of the Inspector General
2 in Pakistan respectively to carry out subsection (a).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—Of the amounts authorized
5 to be appropriated under section 105 for each of the
6 fiscal years 2010 through 2013, not less than
7 \$2,000,000 for each fiscal year is authorized to be
8 made available to the Office of the Inspector General
9 of the Department of State and not less than
10 \$2,000,000 for each fiscal year is authorized to be
11 made available to the Office of the Inspector General
12 of the United States Agency for International Devel-
13 opment to carry out this section.

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

18 **SEC. 304. REQUIREMENTS FOR CIVILIAN CONTROL OF**
19 **UNITED STATES ASSISTANCE FOR PAKISTAN.**

20 (a) REQUIREMENTS.—Any direct assistance provided
21 or payments made on or after January 1, 2010, by the
22 United States to the Government of Pakistan, and any
23 information required by the United States prior to pro-
24 viding the assistance or making the payments, may only
25 be provided or made to, or received from, civilian authori-

1 ties of a government of Pakistan constituted through a
2 free and fair election. For purposes of this subsection, a
3 government of Pakistan constituted through a free and
4 fair election is a government that is determined by the
5 President to have been elected in a free and fair manner,
6 taking into account the laws and constitution of Pakistan
7 and internationally recognized standards.

8 (b) WAIVER.—The President may waive—

9 (1) the requirements under subsection (a), or

10 (2) the requirements under any other provision
11 of law that restricts assistance to the government of
12 any country whose duly elected head of government
13 is deposed by military coup or decree, as such provi-
14 sion of law applies with respect to the Government
15 of Pakistan,

16 if the President certifies to the appropriate congressional
17 committees that the waiver is important to the national
18 security interests of the United States.

19 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
20 tion shall apply with respect to any activities subject to
21 reporting requirements under title V of the National Secu-
22 rity Act of 1947 (50 U.S.C. 413 et seq.).

23 (d) DEFINITION.—In this section, the term “appro-
24 priate congressional committees” means the Committees
25 on Appropriations, Armed Services, and Foreign Affairs

1 of the House of Representatives and the Committees on
2 Appropriations, Armed Services, and Foreign Relations of
3 the Senate.

4 **SEC. 305. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the Secretary of State, with the concurrence
7 of the Secretary of Defense, should establish a co-
8 ordinated, strategic communications strategy to en-
9 gage the people of Pakistan—one that is fully fund-
10 ed, staffed, and implemented—to help ensure the
11 success of the measures authorized by this Act; and

12 (2) the strategy should have clear and achiev-
13 able objectives, based on available resources, and
14 should be overseen by the United States Chief of
15 Mission in Pakistan.

16 **SEC. 306. REPORTS.**

17 (a) **REPORT BY PRESIDENT.**—

18 (1) **IN GENERAL.**—The President shall transmit
19 to the appropriate congressional committees a report
20 on assistance provided under titles I and II of this
21 Act during the preceding fiscal year. The first report
22 shall be transmitted not later than 180 days after
23 the date of the enactment of this Act and subse-
24 quent reports shall be transmitted not later than
25 December 31 of each year thereafter.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under subsection (a) shall include the fol-
3 lowing:

4 (A) A detailed description of the assistance
5 by program, project, and activity, as well as by
6 geographic area.

7 (B) A general description of the perform-
8 ance goals established under section 302 and
9 the progress made in meeting the goals.

10 (C) An evaluation of efforts undertaken by
11 the Government of Pakistan to—

12 (i) disrupt, dismantle, and defeat al
13 Qaeda, the Taliban, and other extremist
14 and terrorist groups in the FATA and set-
15 tled areas;

16 (ii) close terrorist camps, including
17 those of Jamaat-ud-Dawa, Lashkar-e-
18 Taiba, and Jaish-e-Mohammed;

19 (iii) cease all support for extremist
20 and terrorist groups;

21 (iv) prevent cross-border attacks;

22 (v) increase oversight over curriculum
23 in madrasas, including closing madrasas
24 with direct links to the Taliban or other
25 extremist and terrorist groups; and

1 (vi) improve counter-terrorism financ-
2 ing and anti-money laundering laws, apply
3 for observer status for the Financial Ac-
4 tion Task Force, and steps taken to adhere
5 to the United Nations International Con-
6 vention for the Suppression of Financing
7 of Terrorism.

8 (D) A detailed description of Pakistan's ef-
9 forts to prevent proliferation of nuclear-related
10 material and expertise.

11 (E) An assessment of whether assistance
12 provided to Pakistan pursuant to this Act has
13 directly or indirectly aided the expansion of
14 Pakistan's nuclear weapons program, whether
15 by the diversion of United States assistance or
16 the reallocation of Pakistan financial resources
17 that would otherwise be spent for programs and
18 activities unrelated to its nuclear weapons pro-
19 gram.

20 (F) A description of the transfer or pur-
21 chase of military equipment pursuant to title II
22 of this Act, including—

- 23 (i) a list of equipment provided; and
24 (ii) a detailed description of the extent
25 to which funds obligated and expended

1 pursuant to section 203(b) meet the re-
2 quirements of such section.

3 (G) An analysis of a suitable replacement
4 for the AH-1F and AH-1S Cobra attack heli-
5 copters, which includes recommendations for
6 sustainment, training, and any other matters
7 determined to be appropriate.

8 (H) An assessment of the extent to which
9 the Government of Pakistan exercises effective
10 civilian control of the military, including a de-
11 scription of the extent to which civilian execu-
12 tive leaders and parliament exercise oversight
13 and approval of military budgets, the chain of
14 command, the process of promotion for senior
15 military leaders, civilian involvement in stra-
16 tegic guidance and planning, and military in-
17 volvement in civil administration.

18 (b) REPORT BY COMPTROLLER GENERAL.—

19 (1) IN GENERAL.—Not later than April 1,
20 2011, the Comptroller General of the United States
21 shall submit to the appropriate congressional com-
22 mittees a report evaluating the effectiveness of secu-
23 rity assistance provided to Pakistan under title II of
24 this Act during fiscal years 2010 and 2011.

1 (2) MATTERS TO BE INCLUDED.—The report
2 required under subsection (a) shall include the fol-
3 lowing:

4 (A) A detailed description of the expendi-
5 tures made by Pakistan pursuant to grant as-
6 sistance under section 23 of the Arms Export
7 Control Act (22 U.S.C. 2763; relating to the
8 Foreign Military Financing program).

9 (B) An assessment of the impact of the as-
10 sistance on the security and stability of Paki-
11 stan.

12 (C) An evaluation of any issues of financial
13 impropriety on behalf of personnel imple-
14 menting the assistance.

15 (D) An assessment of the extent to which
16 civilian authorities are involved in administra-
17 tion of the assistance provided by the United
18 States.

19 **SEC. 307. SUNSET.**

20 The authority of this Act, other than section 104,
21 shall expire after September 30, 2013.

