

111TH CONGRESS
1ST SESSION

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.

IN THE SENATE OF THE UNITED STATES

MAY 4, 2009

Mr. KERRY (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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

3 (2) In February 2008, the people of Pakistan
4 elected a civilian government, reversing years of po-
5 litical tension and mounting popular concern over
6 governance and their own democratic reform and po-
7 litical development.

8 (3) A democratic, moderate, modernizing Paki-
9 stan would represent the wishes of the Pakistani
10 people and serve as a model to other countries
11 around the world.

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

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

23 (6) The struggle against al Qaeda, the Taliban,
24 and affiliated terrorist groups has led to the deaths
25 of several thousand Pakistani civilians and members

1 of the security forces of Pakistan over the past 7
2 years.

3 (7) Since the terrorist attacks of September 11,
4 2001, more al Qaeda terrorist suspects have been
5 apprehended in Pakistan than in any other country,
6 including Khalid Sheikh Muhammad, Ramzi bin al-
7 Shibh, and Abu Faraj al-Libi.

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

17 (A) attacks outside of Pakistan that have
18 been attributed to groups with Pakistani con-
19 nections, including—

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

23 (ii) the massacre of approximately
24 165 people in Mumbai, India, including 6

1 United States citizens, in late November
2 2008; and

3 (B) attacks within Pakistan, including—

4 (i) an attack on the visiting Sri
5 Lankan cricket team in Lahore on March
6 3, 2009;

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

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

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

14 (v) an attack by gunfire on the U.S.
15 Principal Officer in Peshawar in August
16 2008; and

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

20 (9) In the 12-month period ending on the date
21 of the enactment of this Act, Pakistan's security
22 forces have struggled to contain a Taliban-backed
23 insurgency that has spread from FATA into settled
24 areas, including the Swat Valley and other parts of
25 NWFP and Balochistan. This struggle has taken the

1 lives of more than 1,500 police and military per-
2 sonnel and left more than 3,000 wounded.

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

7 (11) According to a Government Accountability
8 Office Report (GAO–08–622), “since 2003, the ad-
9 ministration’s national security strategies and Con-
10 gress have recognized that a comprehensive plan
11 that includes all elements of national power—diplo-
12 matic, military, intelligence, development assistance,
13 economic, and law enforcement support—was needed
14 to address the terrorist threat emanating from the
15 FATA” and that such a strategy was also mandated
16 by section 7102(b)(3) of the Intelligence Reform and
17 Terrorism Prevention Act of 2004 (Public Law 108–
18 458; 22 U.S.C. 2656f note) and section 2042(b)(2)
19 of the Implementing the Recommendations of the 9/
20 11 Commission Act of 2007 (Public Law 110–53; 22
21 U.S.C. 2375 note).

22 (12) In the past year, the people of Pakistan
23 have been especially hard hit by rising food and
24 commodity prices and severe energy shortages, with
25 two-thirds of the population living on less than \$2

1 a day and one-fifth of the population living below
2 the poverty line according to the United Nations De-
3 velopment Program.

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

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

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

10 (C) promoting the economic development
11 of Pakistan, both through the building of infra-
12 structure and the facilitation of increased trade;

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

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

21 (14) According to consistent opinion research,
22 including that of the Pew Global Attitudes Survey
23 (December 28, 2007) and the International Repub-
24 lican Institute (January 29, 2008), many people in
25 Pakistan have historically viewed the relationship be-

1 tween the United States and Pakistan as a trans-
2 actional one, characterized by a heavy emphasis on
3 security issues with little attention to other matters
4 of great interest to citizens of Pakistan.

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

10 (16) Both the Government of Pakistan and the
11 United States Government should seek to enhance
12 the bilateral relationship through additional multi-
13 faceted engagement in order to strengthen the foun-
14 dation for a consistent and reliable long-term part-
15 nership between the two countries.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) APPROPRIATE CONGRESSIONAL COMMIT-
19 TEES.—The term “appropriate congressional com-
20 mittees” means the Committees on Appropriations
21 and Foreign Relations of the Senate and the Com-
22 mittees on Appropriations and Foreign Affairs of
23 the House of Representatives.

24 (2) COUNTERINSURGENCY.—The term “coun-
25 terinsurgency” means efforts to defeat organized

1 movements that seek to overthrow the duly con-
2 stituted Governments of Pakistan and Afghanistan
3 through violent means.

4 (3) COUNTERTERRORISM.—The term “counter-
5 terrorism” means efforts to combat al Qaeda and
6 other foreign terrorist organizations that are des-
7 ignated by the Secretary of State in accordance with
8 section 219 of the Immigration and Nationality Act
9 (8 U.S.C. 1189), or other individuals and entities
10 engaged in terrorist activity or support for such ac-
11 tivity.

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

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

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

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

1 (A) grant assistance to carry out section
2 23 of the Arms Export Control Act (22 U.S.C.
3 2763);

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

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

10 (D) any equipment, supplies, and training
11 provided pursuant to section 1206 of the Na-
12 tional Defense Authorization Act for Fiscal
13 Year 2006 (Public Law 109–163; 119 Stat.
14 3456); and

15 (E) any equipment, supplies, and training
16 provided pursuant to section 1206 of the Na-
17 tional Defense Authorization Act for Fiscal
18 Year 2008 (Public Law 110–181; 122 Stat.
19 368).

20 (8) SECURITY FORCES OF PAKISTAN.—The
21 term “security forces of Pakistan” means the mili-
22 tary and intelligence services of the Government of
23 Pakistan, including the Armed Forces, Inter-Serv-
24 ices Intelligence Directorate, Intelligence Bureau,

1 police forces, levies, Frontier Corps, and Frontier
2 Constabulary.

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

7 **SEC. 4. STATEMENT OF POLICY.**

8 It is the policy of the United States—

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

11 (2) to support economic growth and develop-
12 ment in order to promote stability and security
13 across Pakistan;

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

16 (4) to further the sustainable economic develop-
17 ment of Pakistan and the improvement of the living
18 conditions of its citizens, including in the Federally
19 Administered Tribal Areas, by expanding United
20 States bilateral engagement with the Government of
21 Pakistan, especially in areas of direct interest and
22 importance to the daily lives of the people of Paki-
23 stan;

24 (5) to work with Pakistan and the countries
25 bordering Pakistan to facilitate peace in the region

1 and harmonious relations between the countries of
2 the region;

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

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

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

15 (9) to expand people-to-people engagement be-
16 tween the United States and Pakistan, through in-
17 creased educational, technical, and cultural ex-
18 changes and other methods; and

19 (10) to encourage and promote public-private
20 partnerships in Pakistan in order to bolster ongoing
21 development efforts and strengthen economic pros-
22 pects, especially with respect to opportunities to
23 build civic responsibility and professional skills of
24 the people of Pakistan.

1 **SEC. 5. AUTHORIZATION OF FUNDS.**

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

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

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

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

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

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

11 (b) AVAILABILITY OF FUNDS.—Of the amounts ap-
12 propriated in each fiscal year pursuant to the authoriza-
13 tion of appropriations in subsection (a)—

14 (1) none of the amounts appropriated may be
15 made available after the date of the enactment of
16 this Act for assistance to Pakistan unless the Paki-
17 stan Assistance Strategy Report has been submitted
18 to the appropriate congressional committees in ac-
19 cordance with subsection (j); and

20 (2) not more than \$750,000,000 may be made
21 available for assistance to Pakistan in any fiscal
22 year after 2009 unless the President's Special Rep-
23 resentative to Afghanistan and Pakistan submits to
24 the appropriate congressional committees during
25 that fiscal year—

1 (A) a certification that assistance provided
2 to Pakistan under this Act to date has made or
3 is making substantial progress toward achieving
4 the principal objectives of United States assist-
5 ance to Pakistan contained in the Pakistan As-
6 sistance Strategy Report pursuant to subsection
7 (j)(1); and

8 (B) a memorandum explaining the reasons
9 justifying the certification described in sub-
10 section (A).

11 (c) MAKER OF CERTIFICATION.—In the event of a
12 vacancy in, or the termination of, the position of the Presi-
13 dent’s Special Representative to Afghanistan and Paki-
14 stan, the certification described under subsection (b)(2)
15 may be made by the Secretary of State.

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

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

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

6 (f) USE OF FUNDS.—

7 (1) IN GENERAL.—Funds appropriated pursu-
8 ant to subsection (a) shall be used for projects in-
9 tended to benefit the people of Pakistan, including
10 projects that promote—

11 (A) just and democratic governance, in-
12 cluding—

13 (i) police reform, equipping, and
14 training;

15 (ii) independent, efficient, and effec-
16 tive judicial systems;

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

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

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

- 1 (vi) anticorruption efforts among bu-
2 reaucrats, elected officials, and public serv-
3 ants at all levels of military and civilian
4 government administration; and
- 5 (vii) countering the narcotics trade;
- 6 (B) economic freedom, including—
- 7 (i) sustainable economic growth, in-
8 cluding in rural areas, and the sustainable
9 management of natural resources;
- 10 (ii) investments in energy and water,
11 including energy generation and cross-bor-
12 der infrastructure projects with Afghani-
13 stan;
- 14 (iii) employment generation, including
15 essential basic infrastructure projects such
16 as roads and irrigation projects and other
17 physical infrastructure; and
- 18 (iv) worker rights, including the right
19 to form labor unions and legally enforce
20 provisions safeguarding the rights of work-
21 ers and local community stakeholders; and
- 22 (C) investments in people, particularly
23 women and children, including—

1 (i) broad-based public primary and
2 secondary education and vocational train-
3 ing for both boys and girls;

4 (ii) food security and agricultural de-
5 velopment to ensure food staples and other
6 crops that provide economic growth and in-
7 come opportunities in times of severe
8 shortage;

9 (iii) quality public health, including
10 medical clinics with well trained staff serv-
11 ing rural and urban communities; and

12 (iv) higher education to ensure a
13 breadth and consistency of Pakistani grad-
14 uates to prepare citizens to help strengthen
15 the foundation for improved governance
16 and economic vitality, including through
17 public-private partnerships.

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

22 (g) PREFERENCE FOR BUILDING LOCAL CAPAC-
23 ITY.—The President is encouraged, as appropriate, to uti-
24 lize Pakistani firms and community and local nongovern-
25 mental organizations in Pakistan, including through host

1 country contacts, and to work with local leaders to provide
2 assistance under this section.

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

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

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

11 (B) up to \$20,000,000 may be made avail-
12 able to the Inspectors General of the Depart-
13 ment of State, the United States Agency for
14 International Development, and other relevant
15 Executive branch agencies in order to provide
16 audits and program reviews of projects funded
17 pursuant to this section; and

18 (C) up to \$5,000,000 may be used by the
19 Secretary to establish a Chief of Mission Fund
20 for use by the Chief of Mission in Pakistan to
21 provide assistance to Pakistan under the For-
22 eign Assistance Act of 1961 (22 U.S.C. 2151 et
23 seq.) to address urgent needs or opportunities,
24 consistent with the purposes outlined in sub-

1 section (f) or for purposes of humanitarian re-
2 lief.

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

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

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

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

24 (2) the amounts of funds authorized to be ap-
25 propriated under subsection (a) proposed to be allo-

1 cated to programs or projects designed to achieve
2 each of the purposes of assistance listed in sub-
3 section (f);

4 (3) a description of the specific projects and
5 programs for which amounts authorized to be appro-
6 priated pursuant to subsection (a) are proposed to
7 be allocated;

8 (4) a list of criteria to be used to measure the
9 effectiveness of projects described under subsection
10 (f), including a systematic, qualitative basis for as-
11 sessing whether desired outcomes are achieved and
12 a timeline for completion of each project and pro-
13 gram;

14 (5) a description of the role to be played by
15 Pakistani national, regional, and local officials in
16 helping to identify and implement programs and
17 projects for which assistance is to be provided under
18 this Act, and of consultations with such officials in
19 developing the strategy; and

20 (6) a description of all amounts made available
21 for assistance to Pakistan during fiscal year 2009
22 prior to submission of the report, including a de-
23 scription of each project or program for which funds
24 were made available and the amounts allocated to
25 each such program or project.

1 (k) NOTIFICATION REQUIREMENTS.—

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

10 (2) SEMIANNUAL REPORT.—Not later than 90
11 days after the submission of the Pakistan Assistance
12 Strategy Report pursuant to subsection (j), and
13 every 180 days thereafter, the President shall sub-
14 mit a report to the appropriate congressional com-
15 mittees that describes the assistance provided under
16 this section. The report shall include—

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

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

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

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

7 (C) a list of persons or entities from the
8 United States or other countries that have re-
9 ceived funds in excess of \$250,000 to conduct
10 projects under this section during the period
11 covered by the report, which may be included in
12 a classified annex, if necessary to avoid a secu-
13 rity risk, and a justification for the classifica-
14 tion;

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

22 (E) a description of—

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

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

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

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

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

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

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

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

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

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

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

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

20 (m) SENSE OF CONGRESS ON FUNDING OF PRIOR-
21 ITIES.—It is the sense of Congress that, as a general prin-
22 ciple, the Government of Pakistan should allocate a great-
23 er portion of its budget to the recurrent costs associated
24 with education, health, and other priorities described in
25 this section.

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

2 (a) LIMITATION ON CERTAIN MILITARY ASSIST-
3 ANCE.—Beginning in fiscal year 2010, no grant assistance
4 to carry out section 23 of the Arms Export Control Act
5 (22 U.S.C. 2763) and no assistance under chapter 2 of
6 part II of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2311 et seq.) may be provided to Pakistan in a fiscal year
8 until the Secretary of State makes the certification re-
9 quired under subsection (c).

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

18 (c) CERTIFICATION.—The certification required by
19 this subsection is a certification to the appropriate con-
20 gressional committees by the Secretary of State, after con-
21 sultation with the Secretary of Defense and the Director
22 of National Intelligence, that the security forces of Paki-
23 stan—

24 (1) are making concerted and consistent efforts
25 to prevent al Qaeda and associated terrorist groups,

1 including Lashkar-e-Taiba and Jaish-e-Mohammed,
2 from operating in the territory of Pakistan;

3 (2) are making concerted and consistent efforts
4 to prevent the Taliban and associated militant
5 groups from using the territory of Pakistan as a
6 sanctuary from which to launch attacks within Af-
7 ghanistan; and

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

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

14 (e) PRIOR NOTICE OF WAIVER.—A waiver pursuant
15 to subsection (d) may not be exercised until 15 days after
16 the Secretary of State provides to the appropriate congres-
17 sional committees written notice of the intent to issue such
18 waiver and the reasons therefor. The notice may be sub-
19 mitted in classified or unclassified form, as necessary.

20 (f) ANNUAL REPORT.—The Secretary of State, after
21 consultation with the Secretary of Defense and the Direc-
22 tor of National Intelligence, shall submit to the appro-
23 priate congressional committees an annual report on the
24 progress of the security forces of Pakistan in satisfying
25 the requirements enumerated in subsection (c). The Sec-

1 retary of State shall establish detailed, specific require-
2 ments and metrics for evaluating the progress in satisfying
3 these requirements and apply these requirements and
4 metrics consistently in each annual report. This report
5 may be submitted in classified or unclassified form, as
6 necessary.

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

9 It is the sense of Congress that—

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

13 (A) military operations of the Government
14 of Pakistan to destroy the terrorist threat and
15 close the terrorist safe haven, known or sus-
16 pected, in the FATA, the NWFP, and other re-
17 gions of Pakistan; and

18 (B) military operations of the Government
19 of Pakistan to protect United States and allied
20 logistic operations in support of Operation En-
21 during Freedom in Afghanistan;

22 (2) despite the broad discretion Congress grant-
23 ed the Secretary of Defense in terms of managing
24 Coalition Support Funds, the Pakistan reimburse-
25 ment claims process for Coalition Support Funds re-

1 quires increased oversight and accountability, con-
2 sistent with the conclusions of the June 2008 report
3 of the United States Government Accountability Of-
4 fice (GAO-08-806);

5 (3) in order to ensure that this significant
6 United States effort in support of countering ter-
7 rorism in Pakistan effectively ensures the intended
8 use of Coalition Support Funds, and to avoid redun-
9 dancy in other security assistance programs, such as
10 Foreign Military Financing and Foreign Military
11 Sales, more specific guidance should be generated,
12 and accountability delineated, for officials associated
13 with oversight of this program within the United
14 States Embassy in Pakistan, the United States Cen-
15 tral Command, the Department of Defense, the De-
16 partment of State, and the Office of Management
17 and Budget; and

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

1 **SEC. 8. PAKISTAN-AFGHANISTAN BORDER AREAS STRAT-**
2 **EGY.**

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

17 (b) REPORT.—Not later than 90 days after the date
18 of the enactment of this Act, the Secretary of State shall
19 submit to the appropriate congressional committees a de-
20 tailed description of a comprehensive strategy for counter-
21 terrorism and counterinsurgency in the Pakistan-Afghani-
22 stan border areas containing the elements specified in sub-
23 section (a) and proposed timelines and budgets for imple-
24 menting the strategy.

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

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

4 (1) recognize the bold political steps the Paki-
5 stan electorate has taken during a time of height-
6 ened sensitivity and tension in 2007 and 2008 to
7 elect a new civilian government, as well as the con-
8 tinued quest for good governance and the rule of law
9 under the elected government in 2008 and 2009;

10 (2) seize this strategic opportunity in the inter-
11 ests of Pakistan as well as in the national security
12 interests of the United States to expand its engage-
13 ment with the Government and people of Pakistan
14 in areas of particular interest and importance to the
15 people of Pakistan;

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

22 (4) seek ways to strengthen our countries' mu-
23 tual understanding and promote greater insight and
24 knowledge of each other's social, cultural and histor-
25 ical diversity through personnel exchanges and sup-

- 1 port for the establishment of institutions of higher
- 2 learning with international accreditation.

