(9) increasing access to information technology.

(c) Volunters for Prosperity Service Incentive Program

(1) In general

The VIP Office may provide matching grants to offset the travel and living costs of volunteering abroad to any eligible organization that—

(A) has members who possess skills relevant to addressing any objective described in subsection (b); and

(B) provides a dollar-for-dollar match for such grant—

(i) through the organization with which the individual is serving; or

(ii) by raising private funds.

(2) Nondiscrimination requirement

The VIP Office may not provide a stipend to an individual under paragraph (1) unless the nonprofit organization to which the individual is assigned has certified to the VIP Office that it does not discriminate with respect to any project or activity receiving Federal financial assistance, including a stipend under this chapter, because of race, religion, color, national origin, sex, political affiliation, or beliefs.

(3) Compliance with ineligible service categories

Service carried out by a volunteer receiving funds under this section may not provide a direct benefit to any—

(A) business organized for profit;

(B) labor union;

(C) partisan political organization; or

(D) religious or faith-based organization for the purpose of proselytization, worship or any other explicitly religious activity.

d) Funding

(1) In general

The Administrator of the United States Agency for International Development shall make available the amounts appropriated pursuant to section 8304 of this title to the VIP Office to pursue the objectives described in subsection (b) by carrying out the functions described in subsection (a).

(2) Use of funds

Amounts made available under paragraph (1) may be used by the VIP Office to provide personnel and other resources to develop, manage, and expand the VIP Program, under the supervision of the United States Agency for International Development.

e) Coordination

The VIP Office shall coordinate its efforts with other public and private efforts that aim to send skilled professionals to serve in developing nations.

(f) Report

The VIP Office shall submit an annual report to Congress on the activities of the VIP Office.
(5) Frontier Crimes Regulation

The term “Frontier Crimes Regulation” means the Frontier Crimes Regulation, codified under British law in 1901, and applicable to the FATA.

(6) Impact evaluation research

The term “impact evaluation research” means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

(7) Major defense equipment

The term “major defense equipment” has the meaning given the term in section 2794(6) of this title.

(8) NWFP

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

(9) Operations research

The term “operations research” means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

(10) Security forces of Pakistan

The term “security forces of Pakistan” means the military and intelligence services of the Government of Pakistan, including the Armed Forces, Inter-Services Intelligence Directorate, Intelligence Bureau, police forces, levies, Frontier Corps, and Frontier Constabulary.

(11) Security-related assistance

The term “security-related assistance”—

(A) means—

(i) grant assistance to carry out section 2763 of this title; and

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

(B) does not include—

(i) assistance authorized to be appropriated or otherwise made available under any provision of law that is funded from accounts within budget function 050 (National Defense); and

(ii) amounts appropriated or otherwise available to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111-32).


REFERENCES IN TEXT


§ 8402. Findings

Congress finds the following:

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

(2) Since 2001, the United States has contributed more than $15,000,000,000 to Pakistan, of which more than $10,000,000,000 has been security-related assistance and direct payments.

(3) With the free and fair election of February 18, 2008, Pakistan returned to civilian rule, reversing years of political tension and mounting popular concern over military rule and Pakistan’s own democratic reform and political development.

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

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

(6) Despite killing or capturing hundreds of al Qaeda operatives and other terrorists—including major al Qaeda leaders, such as Khalid Sheikh Muhammad, Ramzi bin al-Shibh, and Abu Faraaj al-Libi—the FATA, parts of the NWFP, Quetta in Balochistan, and Muridke in Punjab remain a sanctuary for al Qaeda, the Afghan Taliban, the Terikh-e Taliban and affiliated groups from which these groups organize terrorist actions against Pakistan and other countries.

(7) The security forces of Pakistan have struggled to contain a Taliban-backed insurgency, recently taking direct action against those who threaten Pakistan’s security and stability, including military operations in the FATA and the NWFP.

(8) On March 27, 2009, President Obama noted, “Multiple intelligence estimates have warned that al Qaeda is actively planning attacks on the United States homeland from its safe-haven in Pakistan.”.

(9) According to a Government Accountability Office report (GAO-08-622), “since 2003, the [A]dministration’s national security strategies and Congress have recognized that a comprehensive plan that includes all elements of national power—diplomatic, military, intelligence, development assistance, economic, and law enforcement support—was needed to
address the terrorist threat emanating from the FATA1 and that such a strategy was also mandated by section 7102(b)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–468; 22 U.S.C. 2656f note) and section 424(b)(2) of the Implementing the Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53; 22 U.S.C. 2375 note).

(10) During 2008 and 2009, the people of Pakistan have been especially hard hit by rising food and commodity prices and severe energy shortages, with 2/3 of the population living on less than $2 a day and 1/5 of the population living below the poverty line according to the United Nations Development Program.

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

(12) The 2009 Pakistani military offensive in the NWFP and the FATA displaced millions of residents in one of the gravest humanitarian crises Pakistan has faced, and despite the heroic efforts of Pakistanis to respond to the needs of the displaced millions and facilitate the return of many, it has highlighted the need for Pakistan to develop an effective national counterinsurgency strategy.


§ 8403. Statement of principles

Congress declares that the relationship between the United States and Pakistan should be based on the following principles:

(1) Pakistan is a critical friend and ally to the United States, both in times of strife and in times of peace, and the two countries share many common goals, including combating terrorism and violent radicalism, solidifying democracy and rule of law in Pakistan, and promoting the social and economic development of Pakistan.

(2) United States assistance to Pakistan is intended to supplement, not supplant, Pakistan’s own efforts in building a stable, secure, and prosperous Pakistan.

(3) The United States requires a balanced, integrated, countrywide strategy for Pakistan that provides assistance throughout the country and does not disproportionately focus on security-related assistance or one particular area or province.

(4) The United States supports Pakistan’s struggle against extremist elements and recognizes the profound sacrifice made by Pakistan in the fight against terrorism, including the loss of more than 1,900 soldiers and police since 2001 in combat with al Qaeda, the Taliban, and other extremist and terrorist groups.

(5) The United States intends to work with the Government of Pakistan—

(A) to build mutual trust and confidence by actively and consistently pursuing a sustained, long-term, multifaceted relationship between the two countries, devoted to strengthening the mutual security, stability, and prosperity of both countries;

(B) to support the people of Pakistan and their democratic government in their efforts to consolidate democracy, including strengthening Pakistan’s parliament, helping Pakistan reestablish an independent and transparent judicial system, and working to extend the rule of law in all areas in Pakistan;

(C) to promote sustainable long-term development and infrastructure projects, including in healthcare, education, water management, and energy programs, in all areas of Pakistan, that are sustained and supported by each successive democratic government in Pakistan;

(D) to ensure that all the people of Pakistan, including those living in areas governed by the Frontier Crimes Regulation, have access to public, modernized education and vocational training to enable them to provide for themselves, for their families, and for a more prosperous future for their children;

(E) to support the strengthening of core curricula and the quality of schools across Pakistan, including madrassas, in order to improve the prospects for Pakistani children’s futures and eliminate incitements to violence and intolerance;

(F) to encourage and promote public-private partnerships in Pakistan in order to bolster ongoing development efforts and strengthen economic prospects, especially with respect to opportunities to build civic responsibility and professional skills of the people of Pakistan, including support for institutions of higher learning with international accreditation;

(G) to expand people-to-people engagement between the two countries, through increased educational, technical, and cultural exchanges and other methods;

(H) to encourage the development of local analytical capacity to measure program effectiveness and progress on an integrated basis, especially across the areas of United States assistance and payments to Pakistan, and increase accountability for how such assistance and payments are being spent;

(I) to assist Pakistan’s efforts to improve counterterrorism financing and anti-money laundering regulatory structure in order to achieve international standards and encourage Pakistan to apply for “Financial Action Task Force” observer status and adhere to the United Nations International Convention for the Suppression of the Financing of Terrorism;

(J) to strengthen Pakistan’s counterinsurgency and counterterrorism strategy to help prevent any territory of Pakistan from being used as a base or conduit for terrorist attacks in Pakistan or elsewhere;

(K) to strengthen Pakistan’s efforts to develop strong and effective law enforcement and national defense forces under civilian leadership;

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1 So in original. The word “the” probably should not appear.
(a) In general
The President is authorized to provide assistance to Pakistan—

(1) to support the consolidation of democratic institutions;

(2) to support the expansion of rule of law, build the capacity of government institutions, and promote respect for internationally recognized human rights;

(3) to support economic freedoms and sustainable economic development;

(4) to support investment in people, including those displaced in on-going counterinsurgency operations; and

(5) to strengthen public diplomacy.

(b) Activities supported
Activities that may be supported by assistance under subsection (a) include the following:

(1) To support democratic institutions in Pakistan in order to strengthen civilian rule and long-term stability, including assistance such as—

(A) support for efforts to strengthen Pakistan’s institutions, including the capacity of the National Parliament of Pakistan, such as enhancing the capacity of committees to oversee government activities, including national security issues, enhancing the ability of members of parliament to respond to constituents, and supporting of parliamentary leadership;

(B) support for voter education and civil society training as well as appropriate support for political party capacity building and responsiveness to the needs of all the people of Pakistan; and

(C) support for strengthening the capacity of the civilian Government of Pakistan to carry out its responsibilities at the national, provincial, and local levels.

(2) To support Pakistan’s efforts to expand rule of law, build the capacity, transparency, and trust in government institutions, and promote internationally recognized human rights, including assistance such as—

(A) supporting the establishment of frameworks that promote government transparency and criminalize corruption in both the government and private sector;

(B) support for police professionalization, including training regarding use of force, human rights, and community policing;

(C) support for independent, efficient, and effective judicial and criminal justice systems, such as case management, training, and efforts to enhance the rule of law to all areas in Pakistan;

(D) support for the implementation of legal and political reforms in the FATA;

(E) support to counter the narcotics trade;

(F) support for internationally recognized human rights, including strengthening civil society and nongovernmental organizations working in the area of internationally recognized human rights, as well as organizations that focus on protection of women and girls, promotion of freedom of religion and religious tolerance, and protection of ethnic or religious minorities; and

(G) support for promotion of a responsible, capable, and independent media.

(3) To support economic freedom and economic development in Pakistan, including—

(A) programs that support sustainable economic growth, including in rural areas, and the sustainable management of natural resources through investments in water resource management systems;

(B) expansion of agricultural and rural development, such as farm-to-market roads, systems to prevent spoilage and waste, and other small-scale infrastructure improvements;

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

(D) employment generation, including increasing investment in infrastructure projects, including construction of roads and the continued development of a national aviation industry and aviation infrastructure, as well as support for small and medium enterprises;

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

(F) access to microfinance for small business establishment and income generation, particularly for women; and

(G) countering radicalization by providing economic, social, educational, and vocational opportunities and life-skills training to at-risk youth.

(4) To support investments in people, particularly women and children, including—

(A) promoting modern, public primary and secondary education and vocational and technical training, including programs to assist in the development of modern, nationwide school curriculums for public, private, and religious schools; support for the proper oversight of all educational institutions, including religious schools, as required by Pakistani law; initiatives to enhance access to education and vocational and technical training for women and girls and to increase women’s literacy, with a special emphasis on helping girls stay in school; and construction and maintenance of libraries and public schools;

(B) programs relating to higher education to ensure a breadth and consistency of Paki-
§ 8412. Authorization of appropriations

(a) In general

There are authorized to be appropriated to the President, for the purposes of providing assistance to Pakistan under this subchapter and to

(b) Notification

For fiscal years 2010 through 2014, the President shall notify the appropriate congressional committees not later than 15 days before obligating any assistance under this section as budgetary support to the Government of Pakistan or any element of the Government of Pakistan and shall include in such notification a description of the purpose and conditions attached to any such budgetary support.

(c) Additional and related activities

(1) Availability of amounts for Pakistani police professionalization, equipping, and training

Not less than $150,000,000 of the amounts appropriated for fiscal year 2010 pursuant to the authorization of appropriations under section 8412 of this title should be made available for assistance to Pakistan under this section for police professionalization, equipping, and training.

(2) Availability of amounts for administrative expenses

Up to $10,000,000 of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 8412 of this title may be made available for administrative expenses of civilian departments and agencies of the United States Government in connection with the provision of assistance under this section. Such amounts shall be in addition to amounts otherwise available for such purposes.

(3) Utilizing Pakistani organizations

The President is encouraged, as appropriate, to utilize Pakistani firms and community and local nongovernmental organizations in Pakistan, including through host country contracts, and to work with local leaders to provide assistance under this section.

(4) Use of direct expenditures

Amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 8412 of this title or otherwise made available to carry out this section shall be utilized to the maximum extent possible as direct expenditures for projects and programs, subject to existing reporting and notification requirements.

(5) Chief of Mission Fund

Of the amounts appropriated for each fiscal year pursuant to the authorization of appropriations under section 8412 of this title, up to $5,000,000 may be used by the Secretary of State to establish a fund for use by the Chief of Mission in Pakistan to provide assistance to Pakistan under this subchapter or the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to address urgent needs or opportunities, consistent with the purposes of this subchapter, or for purposes of humanitarian relief. The fund established pursuant to this paragraph may be referred to as the “Chief of Mission Fund”.

(6) Sense of Congress

It is the sense of Congress that—

(A) the United States should provide robust assistance to the people of Pakistan who have been displaced as a result of ongoing conflict and violence in Pakistan and support international efforts to coordinate assistance to refugees and internally displaced persons in Pakistan, including by providing support to international and nongovernmental organizations for this purpose;

(B) the Administrator of the United States Agency for International Development should support the development objectives of the Refugee Affected and Host Areas (RAHA) Initiative in Pakistan to address livelihoods, health, education, infrastructure development, and environmental restoration in identified parts of the country where Afghan refugees have lived; and

(C) the United States should have a coordinated, strategic communications strategy to engage the people of Pakistan and to help ensure the success of the measures authorized by this subchapter.

References in Text

provide assistance to Pakistan under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), up to $1,500,000,000 for each of the fiscal years 2010 through 2014.

(b) Availability of funds

(1) In general

Of the amounts appropriated in each fiscal year pursuant to the authorization of appropriations in subsection (a)—

(A) none of the amounts appropriated for assistance to Pakistan may be made available after the date that is 60 days after October 15, 2009, unless the Pakistan Assistance Strategy Report has been submitted to the appropriate congressional committees pursuant to section 8441(a) of this title; and

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

(i) a certification that assistance provided to Pakistan under this subchapter or the Foreign Assistance Act of 1961 to date has made or is making reasonable progress toward achieving the principal objectives of United States assistance to Pakistan contained in the Pakistan Assistance Strategy Report; and

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

(2) Maker of certification

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

(c) Waiver

The Secretary of State may waive the limitations in subsection (b) if the Secretary determines, and certifies to the appropriate congressional committees, that it is in the national security interests of the United States to do so.

(d) Sense of Congress on foreign assistance funds

It is the sense of Congress that, subject to an improving political and economic climate in Pakistan, there should be authorized to be appropriated up to $1,500,000,000 for each of the fiscal years 2015 through 2019 for the purpose of providing assistance to Pakistan under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.].

(2) Relation to other available funds

Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

(3) Authorization of appropriations

(1) In general

Of the amounts authorized to be appropriated under section 8412 of this title for each of the fiscal years 2010 through 2014, up to $30,000,000 for each fiscal year is authorized to be made available to carry out this section.

(2) Relation to other available funds

Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

SUBCHAPTER II—SECURITY ASSISTANCE FOR PAKISTAN

§ 8421. Purposes of assistance

The purposes of assistance under this subchapter are—

(1) to support Pakistan’s paramount national security need to fight and win the ongoing counterinsurgency within its borders in accordance with its national security interests;

(2) to work with the Government of Pakistan to improve Pakistan’s border security and control and help prevent any Pakistani territory from being used as a base or conduit for terrorist attacks in Pakistan, or elsewhere;

(3) to work in close cooperation with the Government of Pakistan to coordinate action against extremist and terrorist targets; and

(4) to help strengthen the institutions of democratic governance and promote control of military institutions by a democratically elected civilian government.

§ 8422. Authorization of assistance

(a) International military education and training

(1) In general

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2010 through 2014 for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; re-
States should facilitate Pakistan's establish-
ment of a program to provide reconstruction as-
sistance, including through Pakistan's military as
appropriate, in areas damaged by combat op-
terations.

(b) Foreign Military Financing program
(1) In general
There are authorized to be appropriated such
sums as may be necessary for each of the fis-
cal years 2010 through 2014 for grant assistance
under section 2762 of this title (relating to the
Foreign Military Financing program) for the
purchase of defense articles, defense services,
and military education and training for Paki-
stan.

(2) Use of funds
(A) In general
A significant portion of the amount made
available to carry out this subsection for a fiscal
year shall be for the purchase of defense
articles, defense services, and military
education and training for activities relat-
ing to counterinsurgency and counter-
terrorism operations in Pakistan.

(B) Sense of Congress
It is the sense of Congress that a signifi-
cant majority of funds made available to
carry out this subsection for a fiscal year
should be used for the purpose described in
subparagraph (A).

(3) Additional authority
Except as provided in sections 2753 and
2799aa–1 of this title, the second section 620J
of the Foreign Assistance Act of 1961 (as added
by Public Law 110–161) [22 U.S.C. 2378d], and
any provision of an Act making appropriations
for the Department of State, foreign oper-
ations, and related programs that restricts as-
sistance to the government of any country
whose duly elected head of government is de-
posed by military coup or decree, and except
as otherwise provided in this subchapter,
amounts authorized to be made available to
carry out paragraph (2) for fiscal years 2010
and 2011 are authorized to be made available
notwithstanding any other provision of law.

(4) Definitions
In this section, the terms "defense articles",
"defense services", and "military education and
training" have the meaning given such terms in

(c) Sense of Congress
It is the sense of Congress that the United
States should facilitate Pakistan's establish-
ment of a program to provide reconstruction as-
sistance, including through Pakistan's military as
appropriate, in areas damaged by combat op-
terations.

(d) Exchange program between military and ci-
vilian personnel of Pakistan and certain
other countries
(1) In general
The Secretary of State is authorized to es-

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For fiscal years 2011 through 2014, no security-
related assistance may be provided to Pakistan
in a fiscal year until the Secretary of State,
under the direction of the President, makes the
certification required under subsection (c) for
such fiscal year.

(b) Limitation on arms transfers
For fiscal years 2012 through 2014, no letter of
offer to sell major defense equipment to Paki-

1 See References in Text note below.
stan may be issued pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) and no license to export major defense equipment to Pakistan may be issued pursuant to such Act in a fiscal year until the Secretary of State, under the direction of the President, makes the certification required under subsection (c) for such fiscal year.

(c) Certification
The certification required by this subsection is a certification by the Secretary of State, under the direction of the President, to the appropriate congressional committees that—

(1) the Government of Pakistan is continuing to cooperate with the United States in efforts to dismantle supplier networks relating to the acquisition of nuclear weapons-related materials, such as providing relevant information from or direct access to Pakistani nationals associated with such networks;
(2) the Government of Pakistan during the preceding fiscal year has demonstrated a sustained commitment to and is making significant efforts towards combating terrorist groups, consistent with the purposes of assistance described in section 8421 of this title, including taking into account the extent to which the Government of Pakistan has made progress on matters such as—
   (A) ceasing support, including by any elements within the Pakistan military or its intelligence agency, to extremist and terrorist groups, particularly to any group that has conducted attacks against United States or coalition forces in Afghanistan, or against the territory or people of neighboring countries;
   (B) preventing al Qaeda, the Taliban and associated terrorist groups, such as Lashkar-e-Taiba and Jaish-e-Mohammed, from operating in the territory of Pakistan, including carrying out cross-border attacks into neighboring countries, closing terrorist camps in the FATA, dismantling terrorist bases of operations in other parts of the country, including Quetta and Muridke, and taking action when provided with intelligence about high-level terrorist targets; and
   (C) strengthening counterterrorism and anti-money laundering laws; and
(3) the security forces of Pakistan are not materially and substantially subverting the political or judicial processes of Pakistan.

(d) Certain payments
(1) In general
Subject to paragraph (2), none of the funds appropriated for security-related assistance for fiscal years 2010 through 2014, or any amounts appropriated to the Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), may be obligated or expended to make payments relating to—
   (A) the Letter of Offer and Acceptance PK–D–YAD signed between the Governments of the United States of America and Pakistan on September 30, 2006; and
   (C) the Letter of Offer and Acceptance PK–D–SAP signed between the Governments of the United States of America and Pakistan on September 30, 2006.

(2) Exception
Funds appropriated for security-related assistance for fiscal years 2010 through 2014 may be used for construction and related activities carried out pursuant to the Letters of Offer and Acceptance described in paragraph (1).

(e) Waiver
(1) In general
The Secretary of State, under the direction of the President, may waive the limitations contained in subsections (a), (b), and (d) for a fiscal year if the Secretary of State determines that is important to the national security interests of the United States to do so.

(2) Prior notice of waiver
The Secretary of State, under the direction of the President, may not exercise the authority of paragraph (1) until 7 days after the Secretary of State provides to the appropriate congressional committees a written notice of the intent to issue a waiver and the reasons therefor. The notice may be submitted in classified or unclassified form, as necessary.

(f) Appropriate congressional committees defined
In this section, the term ‘‘appropriate congressional committees’’ means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Permanent Select Committee on Intelligence of the House of Representatives; and
(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.


References in Text


§ 8424. Pakistan Counterinsurgency Capability Fund

(a) For fiscal year 2010

(1) In general
For fiscal year 2010, the Department of State’s Pakistan Counterinsurgency Capability Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32), hereinafter in this section referred to as the ‘‘Fund’’, shall consist of the following:

1So in original.
§ 8425

TITLE 22—FOREIGN RELATIONS AND INTERCOURSE

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out subchapter I of this chapter).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) Purposes of Fund

Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) Transfer authority

(A) In general

The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense's Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) Treatment of transferred funds

Subject to subsections (d) and (e) of section 8423 of this title, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) Relation to other authorities

The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) Notification

The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees of the details of any such transfer.

(b) Submission of notifications

Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(A) Amounts appropriated to carry out this subsection (which may not include any amounts appropriated to carry out subchapter I of this chapter).

(B) Amounts otherwise available to the Secretary of State to carry out this subsection.

(2) Purposes of Fund

Amounts in the Fund made available to carry out this subsection for any fiscal year are authorized to be used by the Secretary of State, with the concurrence of the Secretary of Defense, to build and maintain the counterinsurgency capability of Pakistan under the same terms and conditions (except as otherwise provided in this subsection) that are applicable to amounts made available under the Fund for fiscal year 2009.

(3) Transfer authority

(A) In general

The Secretary of State is authorized to transfer amounts in the Fund made available to carry out this subsection for any fiscal year to the Department of Defense’s Pakistan Counterinsurgency Fund established under the Supplemental Appropriations Act, 2009 (Public Law 111–32) and such amounts may be transferred back to the Fund if the Secretary of Defense, with the concurrence of the Secretary of State, determines that such amounts are not needed for the purposes for which initially transferred.

(B) Treatment of transferred funds

Subject to subsections (d) and (e) of section 8423 of this title, transfers from the Fund under the authority of subparagraph (A) shall be merged with and be available for the same purposes and for the same time period as amounts in the Department of Defense’s Pakistan Counterinsurgency Fund.

(C) Relation to other authorities

The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

(D) Notification

The Secretary of State shall, not less than 15 days prior to making transfers from the Fund under subparagraph (A), notify the appropriate congressional committees of the details of any such transfer.

(b) Submission of notifications

Any notification required by this section may be submitted in classified or unclassified form, as necessary.

(c) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.


§ 8425. Requirements for civilian control of certain assistance

(a) Requirements

(1) In general

For fiscal years 2010 through 2014, any direct cash security-related assistance or non-assistance payments by the United States to the Government of Pakistan may only be provided or made to civilian authorities of a civilian government of Pakistan.

(2) Documentation

For fiscal years 2010 through 2014, the Secretary of State, in coordination with the Secretary of Defense, shall ensure that civilian authorities of a civilian government of Pakistan have received a copy of final documentation provided to the United States related to non-assistance payments provided or made to the Government of Pakistan.

(b) Waiver

(1) Security-related assistance

The Secretary of State, in consultation with the Secretary of Defense, may waive the requirements of section (a) with respect to security-related assistance described in subsection (a) funded from accounts within budget function 150 (International Affairs) if the Secretary of State certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(2) Non-assistance payments

The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) with respect to non-assistance payments described in subsection (a) funded from accounts within budget function 050 (National Defense) if the Secretary of Defense certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(c) Application to certain activities

Nothing in this section shall apply with respect to—

(1) any activities subject to reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.);

(2) any assistance to promote democratic elections or public participation in democratic processes;

(3) any assistance or payments if the Secretary of State determines and certifies to the appropriate congressional committees that the waiver is important to the national security interest of the United States.

(4) any assistance or payments made pursuant to section 1208 of the Ronald W. Reagan

(5) any payments made pursuant to the Acquisition and Cross-Servicing Agreement between the Department of Defense of the United States of America and the Ministry of Defense of the Islamic Republic of Pakistan; and


(d) Definitions

In this section—

(1) the term “appropriate congressional committees” means the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives and the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the term “civilian government of Pakistan” does not include any government of Pakistan whose duly elected head of government is deposed by military coup or decree.


REFERENCES IN TEXT


SUBCHAPTER III—STRATEGY, ACCOUNTABILITY, MONITORING, AND OTHER PROVISIONS

§ 8441. Strategy reports

(a) Pakistan assistance strategy report

Not later than 45 days after October 15, 2009, the Secretary of State shall submit to the appropriate congressional committees a report describing United States policy and strategy with respect to assistance to Pakistan under this chapter. The report shall include the following:

(1) A description of the principal objectives of United States assistance to Pakistan to be provided under subchapter I of this chapter.

(2) A general description of the specific programs, projects, and activities designed to achieve the purposes of section 8411 of this title and the respective funding levels for such programs, projects, and activities for fiscal years 2010 through 2014.

(3) A plan for program monitoring, operations research, and impact evaluation research for assistance authorized under subchapter I of this chapter.

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

(5) A description of the steps taken, or to be taken, to ensure assistance provided under this chapter is not awarded to individuals or entities affiliated with terrorist organizations.

(6) A projection of the levels of assistance to be provided to Pakistan under this chapter, broken down into the following categories as described in the annual “Report on the Criteria and Methodology for Determining the Eligibility of Candidate Countries for Millennium Challenge Account Assistance”: (A) Civil liberties. (B) Political rights. (C) Voice and accountability. (D) Government effectiveness. (E) Rule of law. (F) Control of corruption. (G) Immunization rates. (H) Public expenditure on health. (I) Girls’ primary education completion rate. (J) Public expenditure on primary education. (K) Natural resource management. (L) Business start-up. (M) Land rights and access. (N) Trade policy. (O) Regulatory quality. (P) Inflation control. (Q) Fiscal policy.

(7) An analysis for the suitable replacement for existing Pakistani helicopters, including recommendations for sustainment and training.

(b) Comprehensive regional strategy report

(1) Sense of Congress

It is the sense of Congress that the achievement of United States national security goals to eliminate terrorist threats and close safe havens in Pakistan requires the development of a comprehensive plan that utilizes all elements of national power, including in coordination and cooperation with other concerned governments, and that it is critical to Pakistan’s long-term prosperity and security to strengthen regional relationships among India, Pakistan, and Afghanistan.

(2) Comprehensive regional security strategy

The President shall develop a comprehensive interagency regional security strategy to eliminate terrorist threats and safe havens in Pakistan, including by working with the Government of Pakistan and other relevant governments and organizations in the region and elsewhere, as appropriate, to best implement effective counterinsurgency and counterterrorism efforts in and near the border areas of Pakistan and Afghanistan, including the FATA, the NWFP, parts of Balochistan, and parts of Punjab.

(3) Report

(A) In general

Not later than 180 days after October 15, 2009, the President shall submit to the ap-
appropriated congressional committees a report on the comprehensive regional security strategy required under paragraph (2).

(B) Contents
The report shall include a copy of the comprehensive regional security strategy, including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

(C) Appropriate congressional committees defined
In this paragraph, the term “appropriate congressional committees” means—
(i) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and
(ii) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) Security-related assistance plan
Not later than 180 days after October 15, 2009, the Secretary of State shall submit to the appropriate congressional committees a plan for the proposed use of amounts authorized for security-related assistance for each of the fiscal years 2010 through 2014. Such plan shall include an assessment of how the use of such amounts complements or otherwise is related to amounts described in section 8424 of this title.


DELEGATION OF A REPORTING AUTHORITY
Memorandum of President of the United States, Apr. 7, 2010, 75 F.R. 19533, provided:
Memorandum for the Secretary of State
By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 301 of the Enhanced Partnership with Pakistan Act of 2009, Public Law 111–73, to make the specified report to the Congress.
You are authorized and directed to notify the appropriate congressional committees and publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 8442. Monitoring reports
(a) Semi-annual monitoring report
Not later than 180 days after the submission of the Pakistan Assistance Strategy Report pursuant to section 8441(a) of this title, and every 180 days thereafter through September 30, 2014, the Secretary of State, in consultation with the Secretary of Defense, shall submit to the appropriate congressional committees a report that describes the assistance provided under this chapter during the preceding 180-day period. The report shall include—
(1) a description of all assistance by program, project, and activity, as well as by geographic area, provided pursuant to subchapter I of this chapter during the period covered by the report, including the amount of assistance provided for each program or project, and with respect to the first report a description of all amounts made available for assistance to Pakistan during fiscal year 2009, including a description of each program, project, and activity for which funds were made available;
(2) a list of persons or entities from the United States or other countries that have received funds in excess of $100,000 to conduct projects under subchapter I of this chapter during the period covered by the report, which may be included in a classified annex, if necessary to avoid a security risk, and a justification for the classification;
(3) with respect to the plan described in section 8441(a)(3) of this title, updates to such plan and a description of best practices to improve the impact of the assistance authorized under subchapter I of this chapter;
(4) an assessment of the effectiveness of assistance provided under subchapter I of this chapter during the period covered by the report in achieving desired objectives and outcomes as described by the plan described in section 8441(a)(3) of this title, and as updated pursuant to paragraph (3) of this subsection, including a systematic, qualitative, and where possible, quantitative basis for assessing whether desired outcomes are achieved and a timeline for completion of each project and program;
(5) a description of any shortfall in United States financial, physical, technical, or human resources that hinder the effective use and monitoring of such funds;
(6) a description of any negative impact, including the absorptive capacity of the region for which the resources are intended, of United States bilateral or multilateral assistance and recommendations for modification of funding, if any;
(7) any incidents or reports of waste, fraud, and abuse of expenditures under subchapter I of this chapter;
(8) the amount of funds authorized to be appropriated pursuant to section 8412 that were used during the reporting period for administrative expenses or for audits and program reviews pursuant to the authority under sections 8411(c)(2) and 8413 of this title;
(9) a description of the expenditures made from any Chief of Mission Fund established pursuant to section 8411(c)(5) of this title during the period covered by the report, the purposes for which such expenditures were made, and a list of the recipients of any expenditures from the Chief of Mission Fund in excess of $100,000;
(10) an accounting of assistance provided to Pakistan under subchapter I of this chapter, broken down into the categories set forth in section 8441(a)(6) of this title;
(11) an evaluation of efforts undertaken by the Government of Pakistan to—
(A) disrupt, dismantle, and defeat al Qaeda, the Taliban, and other extremist and terrorist groups in the FATA and settled areas;
(B) eliminate the safe havens of such forces in Pakistan;
(C) close terrorist camps, including those of Lashkar-e-Taiba and Jaish-e-Mohammed;
(D) cease all support for extremist and terrorist groups;
(E) prevent attacks into neighboring countries;
(F) increase oversight over curriculum in madrassas, including closing madrassas with direct links to the Taliban or other extremist and terrorist groups; and
(G) improve counterterrorism financing and anti-money laundering laws, apply for observer status for the Financial Action Task Force, and take steps to adhere to the United Nations International Convention for the Suppression of Financing of Terrorism;

(12) a detailed description of Pakistan’s efforts to prevent proliferation of nuclear-related material and expertise;

(13) an assessment of whether assistance provided to Pakistan has directly or indirectly aided the expansion of Pakistan’s nuclear weapons program, whether by the diversion of United States assistance or the reallocation of Pakistan’s financial resources that would otherwise be spent for programs and activities unrelated to its nuclear weapons program;

(14) a detailed description of the extent to which funds obligated and expended pursuant to section 8422(b) of this title meet the requirements of such section; and

(15) an assessment of the extent to which the Government of Pakistan exercises effective civilian control of the military, including a description of the extent to which civilian executive leaders and parliament exercise oversight and approval of military budgets, the chain of command, the process of promotion for senior military leaders, civilian involvement in strategic guidance and planning, and military involvement in civil administration.

(b) Government Accountability Office reports

(1) Pakistan Assistance Strategy Report

Not later than one year after the submission of the Pakistan Assistance Strategy Report pursuant to section 8441(a) of this title, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that contains—

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

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

(C) a detailed description of the expenditures made by Pakistan pursuant to grant assistance under section 2763 of this title (relating to the Foreign Military Financing program); and

(D) an assessment of the impact of the assistance on the security and stability of Pakistan.

(2) Certification report

Not later than 120 days after the date on which the President makes the certification described in section 8423(c) of this title for a fiscal year, the Comptroller General of the United States shall conduct an independent analysis of the certification described in such section and shall submit to the appropriate congressional committees a report containing the results of the independent analysis.

(c) Submission

The Secretary of State may submit the reports required by this section in conjunction with other reports relating to Pakistan required under other provisions of law, including sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1906 and 1907).

(d) Appropriate congressional committees defined

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.


REFERENCES IN TEXT

Sections 1116 and 1117 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1906 and 1907), referred to in subsec. (c), are not classified to the Code.

CHAPTER 92—COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT

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