

## **Legislative Bulletin.....June 11, 2009**

### **Contents:**

**H.R. 1886** – Pakistan Enduring Assistance and Cooperation Enhancement Act of 2009

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**Order of Business:** H.R. 1886 is scheduled to be considered on the House floor on Thursday, June 11, 2009, subject to a structured rule that makes in order one substitute amendment. The rule ([H.Res. 522](#)) waives all points of order against consideration of the bill, except for clause 9 (earmarks) and clause 10 (“PAYGO”) of rule XXI. The rule allows one hour of debate and provides one motion to recommit with or without instructions. The rule makes in order one substitute amendment. The RSC will provide a separate Legislative Bulletin on the amendment tomorrow.

**Background:** Pakistan is an ally of the United States and has returned to civilian rule as of February 18, 2008 after nine years under a military dictatorship. After September 11, 2001, Pakistan teamed up with the US to fight against al-Qaeda and the Taliban. Since 2001, the US has given \$12 billion to Pakistan for education, the economy, healthcare and the military. Pakistan has many terrorist groups organizing within its borders, which poses a grave humanitarian crisis, highlights the need for Pakistan to develop a counterinsurgency strategy.

**Summary:** This bill aims to sustain and improve the partnership between the United States and Pakistan by strengthening democracy, improving the economic conditions in Pakistan, and by combating terrorism.

## **Title I.**

The President is authorized to provide assistance for Pakistan to support the following objectives:

- Fortifying Democratic Institutions;
- Enhancing and Strengthening the Judicial System and Law Enforcement;
- Support the Broad-based and Sustainable Economic Development;
- Support to Increase Local Capacity;
- Support for Public Education System;
- Support for Human Rights;

- Support for Refugees and Internally Displaced Persons;
- Support for Healthcare; and
- Support for Public Diplomacy.

*Multilateral Support for Pakistan.* The bill authorizes the President to mobilize financial institutions (i.e. the International Monetary Fund and the World Bank) to aid Pakistan. The section also contains language supporting the implementation of a Pakistani government plan to “attack structural economic problems, address pressing social problems, carry out comprehensive economic reform, and relieve immediate and urgent balance of payments requirements in Pakistan.” The section also promotes government-to-government loans for currency stabilization.

*Pakistan Democracy and Prosperity Fund.* The bill creates a new Fund authorized at a level of \$1.5 billion for each year from FY2010 through FY2013 for development assistance, global health and child survival, and the economic support fund.

## **Title II.**

*Security Assistance for Pakistan.* The bill authorizes \$400 million per year for each from FY2010 through FY2013 for Security Assistance for Pakistan. \$4 million of this assistance may be used for international military education and training for Pakistan. \$300 million of the total amount is also authorized to be used for purchase of defense articles, defense services, and military education and training for Pakistan. This section also restricts the purchase of, or upgrade to, F-16 fighter aircraft or munitions for such aircraft. The committee reports states: “This restriction stems from the Committee's belief that F-16 fighter aircraft are not effective counterinsurgency tools. The restriction encapsulates the spirit and letter of the agreements signed between the United States and Pakistan in 2006, which provide that Pakistan would pay for its F-16 program with its own national funds.”

*Pakistan Counterinsurgency Fund.* The bill creates a new Fund to enhance Pakistan's capability to conduct counterinsurgency and counterterrorism operations. The Fund will be used for the training and equipping of the armed forces of Pakistan; the training of paramilitary and other security forces; and building the capability of the paramilitary and armed forces to respond to urgent humanitarian relief and reconstruction requirements.

The Fund is authorized at a level of \$700 million for FY2010, and such sums as may be necessary for each year from FY2011 through FY2013.

*Exchange Program between Military and Civilian Personnel of Pakistan and Other Countries.* Authorizes the Secretary of State to establish a program to provide civilian and military personnel with skills to strengthen democracy and civilian control over the military.

*Limitations on US Military Assistance to Pakistan.* Prohibits US military assistance to Pakistan after FY2010 unless the President makes following determinations:

- Pakistan continues to cooperate with the US in efforts to dismantle supplier networks for nuclear weapons-related materials;
- Pakistan demonstrates sustained commitment to combating terrorist groups

### **Title III.**

*Comprehensive Regional Security Strategy.* Requires the President to issue a report, no later than 180 days after the enactment of this legislation, on the comprehensive regional security strategy including specifications of goals, and proposed timelines and budgets for implementation of the strategy.

**Possible Conservative Concerns:** Many conservatives may be concerned that this bill is attempting to micromanage the affairs of the Executive Branch (the White House, the State Department, and the Department of Defense) in Pakistan. The minority views in the [committee report](#) state that the White House, the Department of Defense, and the Department of State need to “retain the necessary flexibility to craft policies that offer the best chance of successfully partnering with the Pakistani government and people to defeat violent extremism.” Many of the provisions in this bill may limit the ability of the Executive Branch and DoD to achieve their goals in Pakistan.

Many conservatives might be concerned that the bill uses American taxpayer dollars to support education assistance in Pakistan including, “food assistance for student meals” and includes a directive “to increase immediately teacher salaries.” It is questionable whether US tax dollars should be going towards these initiatives.

Secretary of Defense Gates, and the Chairman of the Joint Chiefs of Staff Mullen, wrote a letter to the Armed Services Committee last month stating: “The degree of conditionality and limitations on security assistance to Pakistan in H.R. 1886 severely constrains the flexibility necessary for the Executive Branch and the Department of Defense given the fluid and dynamic environment that exists in Pakistan.” While some of their concerns were addressed in the manager’s amendment, the bill still limits the flexibility of the Executive Branch.

**Committee Action:** H.R. 1886 was introduced on April 2, 2009 and referred to the House Foreign Affairs Committee. On May 22, 2009, the bill was marked up and ordered to be reported by the committee, as amended, by voice vote.

**Administration Position:** No Statement of Administration Policy was available at press time.

**Cost to Taxpayers:** According to CBO, the bill authorizes approximately \$10.5 billion over the FY2010-FY2014 period.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the legislation creates new programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** According to CBO, “H.R. 1886 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA)”

**Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?:** H.R. 1886 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

**Constitutional Authority:** [Committee report 111-129](#) sites Article I, Section 8 (powers of Congress), but does not site a specific clause.

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