

SUBCHAPTER I—DEMOCRATIC, ECONOMIC,  
AND DEVELOPMENT ASSISTANCE FOR  
PAKISTAN

§ 8411. Authorization of assistance

(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 promote 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 recog-

nized 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 Pakistani graduates, including through public-private partnerships;

(C) improving quality public health to eliminate diseases such as hepatitis and to reduce maternal and under-five mortality rates;

(D) building capacity for nongovernmental and civil society organizations, particularly organizations with demonstrated experience in delivering services to the people of Pakistan, particularly to women, children, and other vulnerable populations; and

(E) support for refugees and internally displaced persons and long-term development in regions of Pakistan where internal conflict has caused large-scale displacement.

(5) To strengthen public diplomacy to combat militant extremism and promote a better understanding of the United States, including—

(A) encouraging civil society, respected scholars, and other leaders to speak out against militancy and violence; and

(B) expanded exchange activities under the Fulbright Program, the International Visitor Leadership Program, the Youth Exchange and Study Program, and related programs administered by the Department of State designed to promote mutual understanding and interfaith dialogue and expand sister institution programs between United States and Pakistani schools and universities.

**(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 section, 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.

**(d) 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.

(Pub. L. 111-73, title I, §101, Oct. 15, 2009, 123 Stat. 2064.)

**Editorial Notes**

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (c)(5), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

**Statutory Notes and Related Subsidiaries**

MALALA YOUSAFZAI SCHOLARSHIP

Pub. L. 116-338, Jan. 13, 2021, 134 Stat. 5122, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Malala Yousafzai Scholarship Act’.”

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) In late 2008, Malala Yousafzai began making the case for access to education for women and girls despite objections from the Pakistani Taliban. On October 9, 2012, Malala was shot in the head by Pakistani Taliban on her way home from school.

“(2) In 2013, Malala Yousafzai and her father Ziauddin Yousafzai co-founded the Malala Fund. The Malala Fund works to secure 12 years of free, safe, and quality education for all girls. Completion of a full 12-year cycle of primary and secondary education ensures a pipeline of girls able to pursue higher education.

“(3) On July 12, 2013, Malala delivered a speech before the United Nations General Assembly calling for expanded access to education for women and girls across the globe. She said, ‘[L]et us wage a glorious struggle against illiteracy, poverty, and terrorism. Let us pick up our books and our pens. They are the most powerful weapons \* \* \*. Education is the only solution.’

“(4) On October 10, 2014, Malala Yousafzai became the co-recipient of the Nobel Peace Prize for her ‘struggle against the suppression of children and young people and for the right of all children to education’.

“(5) According to the United Nations 2016 Global Education Monitoring Report, more than 130 million girls worldwide are out of school. 15 million girls of primary-school age will never enter a classroom. As of 2016, at least 500 million adult women across the globe are illiterate.

“(6) According to the World Bank, ‘Girls’ education is a strategic development priority. Better educated women tend to be healthier, participate more in the formal labor market, earn higher incomes, \* \* \* marry at a later age, and enable better health care and education for their children, should they choose to become mothers. All these factors combined can help lift households, communities, and nations out of poverty.’

“(7) In 2015, all United Nations Member States, including the United States, adopted quality education, including access to higher education, and gender equality as sustainable development goals to be attained by 2030. One of the education goal targets is to ‘ensure equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university’.

“(8) In January 2010, Secretary of State Hillary Rodham Clinton stated, ‘We will open the doors of education to all citizens, but especially to girls and women \* \* \*. We are doing all of these things because we have seen that when women and girls have the tools to stay healthy and the opportunity to contribute to their families’ well-being, they flourish and so do the people around them.’

“(9) In February 2019, the White House launched the Women’s Global Development and Prosperity Initiative to advance women’s economic empowerment across the globe and reach more than 100,000 women.

“(10) The World Economic Forum ranks Pakistan the second lowest among all countries in the world evaluated for gender equality. On educational attainment for women, Pakistan is ranked the tenth lowest.

“(11) In Pakistan, the rate of higher education enrollment beyond high school for girls and women is just 9 percent as reported by the World Bank. The global rate is 40 percent. Less than 6 percent of women 25 and older in Pakistan attain a bachelor’s degree or equivalent as of 2016.

“(12) Factors such as poverty, early marriage, disability, ethnicity, and religion can contribute to the lack of educational opportunities for women in marginalized communities.

“(13) According to the World Bank, ‘Higher education benefits both individuals and society. Economic returns for college graduates are the highest in the entire educational system—an average 17 percent increase in earnings per year of schooling as compared with 10 percent for primary school.’

“(14) The United States provides critical foreign assistance to Pakistan’s education sector to improve access to and the quality of basic and higher education. Since 2010, the United States Agency for

International Development (referred to in this Act as ‘USAID’) has awarded more than 6,000 scholarships for young women to receive higher education in Pakistan.

“(15) The Merit and Needs-Based Scholarship Program administered by USAID awards scholarships to academically talented, financially needy Pakistani students from all regions, including female students from rural areas of the country, to pursue bachelor’s or master’s degrees at participating Pakistani universities.

#### “SEC. 3. SENSE OF CONGRESS.

“(a) IN GENERAL.—It is the sense of Congress that—

“(1) every individual should have the opportunity to pursue a full cycle of primary, secondary, and higher education;

“(2) every individual, regardless of gender, socioeconomic status, ethnicity, or religion should have the opportunity to pursue an education without fear of discrimination;

“(3) educational exchanges promote institutional linkages between the United States and Pakistan; and

“(4) recipients of scholarships referred to in section 4 should commit to improving their local communities.

“(b) CONTINUED SUPPORT FOR EDUCATIONAL INITIATIVES IN PAKISTAN.—Congress encourages the Department of State and USAID to continue their support for initiatives led by the Government of Pakistan and civil society that promote education in Pakistan, especially education for women, in accordance with USAID’s 2018 Education Policy.

#### “SEC. 4. MERIT AND NEEDS-BASED SCHOLARSHIP PROGRAM.

“(a) IN GENERAL.—The USAID Administrator shall award at least 50 percent of the number of scholarships under the Merit and Needs-Based Scholarship Program (referred to in this Act as the ‘Program’) to women for each of the calendar years 2020 through 2022.

“(b) LIMITATIONS.—

“(1) CRITERIA.—The scholarships available under subsection (a) may only be awarded in accordance with other scholarship eligibility criteria already established by USAID.

“(2) ACADEMIC DISCIPLINES.—Scholarships authorized under subsection (a) shall be awarded for a range of disciplines to improve the employability of graduates and to meet the needs of the scholarship recipients.

“(3) OTHER SCHOLARSHIPS.—The USAID Administrator shall make every effort to award 50 percent of the scholarships available under the Program to Pakistani women.

“(c) LEVERAGING INVESTMENT.—The USAID Administrator shall, to the greatest extent practicable, consult with and leverage investments by the Pakistani private sector and Pakistani diaspora communities in the United States as part of USAID’s greater effort to improve the quality of, expand access to, and ensure sustainability of education programs in Pakistan.

#### “SEC. 5. ANNUAL CONGRESSIONAL BRIEFING.

“(a) IN GENERAL.—The USAID Administrator shall designate appropriate USAID officials to brief the appropriate congressional committees, not later than 1 year after the date of enactment of this Act [Jan. 13, 2021], and annually thereafter for the next 3 years, on the implementation of section 4.

“(b) CONTENTS.—The briefing described in subsection (a) shall include, among other relevant information, for the most recently concluded fiscal year—

“(1) the total number of scholarships that were awarded through the Program, including a breakdown by gender;

“(2) the disciplines of study chosen by the scholarship recipients;

“(3) the percentage of the scholarships that were awarded to students seeking a bachelor’s degree or a master’s degree, respectively;

“(4) the percentage of scholarship recipients who voluntarily dropped out of school or were involuntarily pushed out of the program for failure to meet program requirements; and

“(5) the percentage of scholarship recipients who dropped out of school due to retaliation for seeking an education, to the extent that such information is available.”

## § 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 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.].

(Pub. L. 111-73, title I, §102, Oct. 15, 2009, 123 Stat. 2068.)

## Editorial Notes

### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsecs. (a), (b)(1)(B)(i), and (d), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## § 8413. Auditing

### (a) Assistance authorized

The Inspector General of the Department of State, the Inspector General of the United States Agency for International Development, and the inspectors general of other Federal departments and agencies (other than the Inspector General of the Department of Defense) carrying out programs, projects, and activities using amounts appropriated to carry out this subchapter shall audit, investigate, and oversee the obligation and expenditure of such amounts.

### (b) Authorization for in-country presence

The Inspector General of the Department of State and the Inspector General of the United States Agency for International Development, after consultation with the Secretary of State and the Administrator of the United States Agency for International Development, are authorized to establish field offices in Pakistan with sufficient staff from each of the Offices of the Inspector General, respectively, to carry out subsection (a).

### (c) 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.

(Pub. L. 111-73, title I, §103, Oct. 15, 2009, 123 Stat. 2069.)

## 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