

**Editorial Notes**

## REFERENCES IN TEXT

The Arms Export Control Act, referred to in subsec. (b), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§ 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

The Supplemental Appropriations Act, 2009, referred to in subsec. (d)(1), is Pub. L. 111-32, June 24, 2009, 123 Stat. 1859. For complete classification of this Act to the Code, see Tables.

**§ 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:

(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 in writing 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.

(Pub. L. 111-73, title II, § 204, Oct. 15, 2009, 123 Stat. 2072.)

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## REFERENCES IN TEXT

The Supplemental Appropriations Act, 2009, referred to in subsec. (a)(1), (3)(A), is Pub. L. 111-32, June 24, 2009, 123 Stat. 1859. For complete classification of this Act to the Code, see Tables.

**§ 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 subsection (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 re-