SEC. 1209. REIMBURSEMENTS FOR CERTAIN COUNTERINSURGENCY, COUNTERTERRORISM AND STABILIZATION OPERATIONS CARRIED OUT BY PAKISTAN.

(a) AUTHORITY.—From funds made available for the Department of Defense for operation and maintenance, the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may provide reimbursements for counterinsurgency, counterterrorism, and stabilization operations carried out by the Government of Pakistan in its campaign against al-Qaeda, the Tehrik-e-Taliban Pakistan, and associated militants.

(b) TYPES OF REIMBURSEMENTS.—Reimbursements made under the authority in subsection (a) may be made, in such amounts as the Secretary of Defense considers appropriate, for logistical, military, and other expenditures associated with the operations specified in subsection (a).

(c) LIMITATIONS.—

(1) PROHIBITION ON CONTRACTUAL OBLIGATIONS TO MAKE PAYMENTS.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(2) PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.—The Secretary of Defense may not provide a reimbursement under the authority in subsection (a) for claims of support provided during any period when the ground lines of supply through Pakistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.

(d) NOTICE TO CONGRESSIONAL COMMITTEES.—The Secretary of Defense shall notify the appropriate congressional committees not later than 15 days before making any reimbursement under the authority in subsection (a).

(e) TERMINATION. —The Secretary of Defense may not use the authority in subsection (a) to provide reimbursement for any costs that are incurred after September 30, 2018.

(f) LIMITATION ON REIMBURSEMENTS TO THE GOVERNMENT OF PAKISTAN UNDER SECTION 1233 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2008.— No reimbursement may be provided to the Government of Pakistan under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181, 122 Stat. 393), as most recently amended by section 1222 of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291, 128 Stat. yyy), for any period during which this section is also in effect.

(g) DEFINITIONS.— In this section, the term "appropriate congressional committees" means—

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

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

Section-by-Section Analysis

This proposal is for a three-year authorization to provide reimbursement for Pakistan's counterinsurgency and counterterrorism efforts against al-Qaeda (AQ), the Tehrik-e-Taliban Pakistan (TTP), and associated militants, and to aid Pakistan's efforts to secure and stabilize the Federally Administered Tribal Areas (FATA). Current reimbursements to Pakistan are made through the Coalition Support Fund (Section 1233 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2008, as amended), which is linked to U.S. military operations in Afghanistan. Both the House of Representatives and the Senate versions of the NDAA bill for FY 2015 extend the

Coalition Support Fund authority though FY 2015. This proposal would end the use of CSF reimbursements to Pakistan after FY 2015, and create a new authorization to allow the United States to bolster Pakistan's efforts to secure the FATA and prevent militant activity from threatening the United States and the region, while providing a reasonable and orderly step-down of reimbursements to sustain Pakistan's counterinsurgency and counterterrorism campaign through completion.

Providing Pakistan some level of reimbursement to complete its counterinsurgency campaign while it focuses increasingly on security and stability operations will advance U.S. national security interests, especially while U.S. forces continue to operate in Afghanistan. Pakistan has approximately 150,000 security forces personnel along the border with Afghanistan, and plans to maintain that presence for at least the next three years as it transitions from kinetic to stabilization operations. Pakistan's kinetic operations directly target terrorist groups, including AQ and the TTP, thathave executed or attempted attacks against the U.S. homeland and could pose a future threat once U.S. forces in Afghanistan have been drawn down. The Pakistan military's operations in the FATA also deny space for the Haqqani Network (HQN), as well as other groups, to operate and plan attacks against the United States.

The United States also has a significant interest in promoting stability in Afghanistan, Pakistan, and South Asia, which requires that Pakistan achieve lasting security and stability along its western border. The Pakistan military has reported clearing approximately 90 percent of the FATA, denying militants the space to operate and establish safe havens on Pakistani soil. CSF reimbursements helped to enable this. However, Pakistan must continue to hold and defend cleared territory to safeguard long-term security and stability in the FATA, which requires maintaining large numbers of forces in the region to help strengthen the Frontier Corps, support local law enforcement entities, secure the border, protect infrastructure, deradicalize the population, and enhance the conditions for civilian governance. U.S. support will help incentivize these critical efforts and provide the means to accomplish them.

As with the existing CSF authorization (Section 1233), this new authorization would continue to allow reimbursement to Pakistan for military counterinsurgency and stabilization operations conducted in support of U.S. forces in Afghanistan. This new authorization would recognize the need to support Pakistani counterinsurgency and counterterrorism operations that directly target groups, such as AQ and the TTP, that threaten the U.S. homeland. Finally, future reimbursements under this new authorization would be used to enhance stabilization efforts in the FATA and provide military support for civilian anti-terrorism efforts.

This new authorization would place limitations on reimbursements. First, reimbursements must be tied to operations conducted against AQ, the TTP, and associated militants, including the HQN. Second, because the United States may still require the capability to ship supplies and equipment through the ground lines of communication (GLOCs) in FY 2016, this authorization would continue the limitation in the existing CSF authority (Section 1233) that prohibits reimbursement of claims of support provided during any period when the GLOCs are closed. Additionally, although not included in the text of the legislation, the Department intends to revise current reimbursement categories to reflect Pakistan's increased attention to stabilization operations, as it shifts its main effort from "clear" to "hold and build" stabilization tasks.

The Department of Defense intends to terminate reimbursements after FY 2018. Gradually reducing reimbursements over a three-year period would enable Pakistan to consolidate gains that

advance U.S. interests, and would strengthen the U.S. narrative that the United States is not abandoning Pakistan or South Asia. The Department seeks $1 billion for operations conducted in FY 2016, the same as the President requested for FY 2015 CSF in the OCO Budget. If present trends on the ground continue, the Department would seek no more than $700 million for FY 2017, and $500 million for FY 2018. This ensures an orderly step-down in reimbursements without undermining the bilateral defense relationship.

Budgetary Implications: The table below details resource requirements and proposed offsets associated with this proposal.

RESOURCE REQUIREMENTS (MILLIONS)							
	FY 2016	**FY 2017**	**FY 2018**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
Dept of Defense	1,000	0	0	Operation and Maintenance, Defense-Wide OCO	04	4GTD	1002199T
Total	1,000						

Changes to existing law: This proposal would not change the text of any existing statute.