

107TH CONGRESS
2D SESSION

S. 2712

AN ACT

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**
4 **TION.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Afghanistan Freedom Support Act of 2002”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents; definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT
 ASSISTANCE FOR AFGHANISTAN

Sec. 101. Declaration of policy.

Sec. 102. Purposes of assistance.

Sec. 103. Authorization of assistance.

Sec. 104. Coordination of assistance.

Sec. 105. Sense of Congress regarding promoting cooperation in opium producing areas.

Sec. 106. Administrative provisions.

Sec. 107. Relationship to other authority.

Sec. 108. Authorization of appropriations.

TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

Sec. 201. Support for security during transition in Afghanistan.

Sec. 202. Authorization of assistance.

Sec. 203. Eligible foreign countries and eligible international organizations.

Sec. 204. Reimbursement for assistance.

Sec. 205. Congressional notification requirements.

Sec. 206. Promoting secure delivery of humanitarian and other assistance in Afghanistan and expansion of the International Security Assistance Force.

Sec. 207. Relationship to other authority.

Sec. 208. Sunset.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Requirement to comply with procedures relating to the prohibition on assistance to drug traffickers.

Sec. 302. Sense of Congress regarding protecting Afghanistan’s President.

Sec. 303. Donor contributions to Afghanistan and reports.

3 (c) DEFINITION.—In this Act, the term “Government
 4 of Afghanistan” includes—

5 (1) the government of any political subdivision
 6 of Afghanistan; and

7 (2) any agency or instrumentality of the Gov-
 8 ernment of Afghanistan.

1 **TITLE I—ECONOMIC AND DEMO-**
2 **CRATIC DEVELOPMENT AS-**
3 **SISTANCE FOR AFGHANISTAN**

4 **SEC. 101. DECLARATION OF POLICY.**

5 Congress makes the following declarations:

6 (1) The United States and the international
7 community should support efforts that advance the
8 development of democratic civil authorities and insti-
9 tutions in Afghanistan and the establishment of a
10 new broad-based, multi-ethnic, gender-sensitive, and
11 fully representative government in Afghanistan.

12 (2) The United States, in particular, should
13 provide its expertise to meet immediate humani-
14 tarian and refugee needs, fight the production and
15 flow of illicit narcotics, and aid in the reconstruction
16 of Afghanistan.

17 (3) By promoting peace and security in Afghan-
18 istan and preventing a return to conflict, the United
19 States and the international community can help en-
20 sure that Afghanistan does not again become a
21 source for international terrorism.

22 (4) The United States should support the objec-
23 tives agreed to on December 5, 2001, in Bonn, Ger-
24 many, regarding the provisional arrangement for Af-
25 ghanistan as it moves toward the establishment of

1 permanent institutions and, in particular, should
2 work intensively toward ensuring the future neu-
3 trality of Afghanistan, establishing the principle that
4 neighboring countries and other countries in the re-
5 gion do not threaten or interfere in one another's
6 sovereignty, territorial integrity, or political inde-
7 pendence, including supporting diplomatic initiatives
8 to support this goal.

9 (5) The special emergency situation in Afghani-
10 stan, which from the perspective of the American
11 people combines security, humanitarian, political,
12 law enforcement, and development imperatives, re-
13 quires that the President should receive maximum
14 flexibility in designing, coordinating, and admin-
15 istering efforts with respect to assistance for Af-
16 ghanistan and that a temporary special program of
17 such assistance should be established for this pur-
18 pose.

19 (6) To foster stability and democratization and
20 to effectively eliminate the causes of terrorism, the
21 United States and the international community
22 should also support efforts that advance the develop-
23 ment of democratic civil authorities and institutions
24 in the broader Central Asia region.

1 **SEC. 102. PURPOSES OF ASSISTANCE.**

2 The purposes of assistance authorized by this title
3 are—

4 (1) to help assure the security of the United
5 States and the world by reducing or eliminating the
6 likelihood of violence against United States or allied
7 forces in Afghanistan and to reduce the chance that
8 Afghanistan will again be a source of international
9 terrorism;

10 (2) to support the continued efforts of the
11 United States and the international community to
12 address the humanitarian crisis in Afghanistan and
13 among Afghan refugees in neighboring countries;

14 (3) to fight the production and flow of illicit
15 narcotics, to control the flow of precursor chemicals
16 used in the production of heroin, and to enhance and
17 bolster the capacities of Afghan governmental au-
18 thorities to control poppy cultivation and related ac-
19 tivities;

20 (4) to help achieve a broad-based, multi-ethnic,
21 gender-sensitive, and fully representative government
22 in Afghanistan that is freely chosen by the people of
23 Afghanistan and that respects the human rights of
24 all Afghans, particularly women, including author-
25 izing assistance for the rehabilitation and recon-
26 struction of Afghanistan with a particular emphasis

1 on meeting the educational, health, and sustenance
2 needs of women and children to better enable their
3 full participation in Afghan society;

4 (5) to support the Government of Afghanistan
5 in its development of the capacity to facilitate, orga-
6 nize, develop, and implement projects and activities
7 that meet the needs of the Afghan people;

8 (6) to foster the participation of civil society in
9 the establishment of the new Afghan government in
10 order to achieve a broad-based, multiethnic, gender-
11 sensitive, fully representative government freely cho-
12 sen by the Afghan people, without prejudice to any
13 decisions which may be freely taken by the Afghan
14 people about the precise form in which their govern-
15 ment is to be organized in the future;

16 (7) to support the reconstruction of Afghani-
17 stan through, among other things, programs that
18 create jobs, facilitate clearance of landmines, and re-
19 build the agriculture sector, the health care system,
20 and the educational system of Afghanistan;

21 (8) to provide resources to the Ministry for
22 Women's Affairs of Afghanistan to carry out its re-
23 sponsibilities for legal advocacy, education, voca-
24 tional training, and women's health programs; and

1 (9) Foster the growth of a pluralistic society
2 that promotes and respects religious freedom.

3 **SEC. 103. AUTHORIZATION OF ASSISTANCE.**

4 (a) IN GENERAL.—Notwithstanding section 512 of
5 Public Law 107–115 or any other similar provision of law,
6 the President is authorized to provide assistance for Af-
7 ghanistan for the following activities:

8 (1) URGENT HUMANITARIAN NEEDS.—To assist
9 in meeting the urgent humanitarian needs of the
10 people of Afghanistan, including assistance such
11 as—

12 (A) emergency food, shelter, and medical
13 assistance;

14 (B) clean drinking water and sanitation;

15 (C) preventative health care, including
16 childhood vaccination, therapeutic feeding, ma-
17 ternal child health services, and infectious dis-
18 eases surveillance and treatment;

19 (D) family tracing and reunification serv-
20 ices; and

21 (E) clearance of landmines and other
22 unexploded ordinance.

23 (2) REPATRIATION AND RESETTLEMENT OF
24 REFUGEES AND INTERNALLY DISPLACED PER-
25 SONS.—To assist refugees and internally displaced

1 persons as they return to their home communities in
2 Afghanistan and to support their reintegration into
3 those communities, including assistance such as—

4 (A) assistance identified in paragraph (1);

5 (B) assistance to communities, including
6 those in neighboring countries, that have taken
7 in large numbers of refugees in order to reha-
8 bilitate or expand social, health, and edu-
9 cational services that may have suffered as a
10 result of the influx of large numbers of refu-
11 gees;

12 (C) assistance to international organiza-
13 tions and host governments in maintaining se-
14 curity by screening refugees to ensure the ex-
15 clusion of armed combatants, members of for-
16 eign terrorist organizations, and other individ-
17 uals not eligible for economic assistance from
18 the United States; and

19 (D) assistance for voluntary refugee repa-
20 triation and reintegration inside Afghanistan
21 and continued assistance to those refugees who
22 are unable or unwilling to return, and humani-
23 tarian assistance to internally displaced per-
24 sons, including those persons who need assist-
25 ance to return to their homes, through the

1 United Nations High Commissioner for Refu-
2 gees and other organizations charged with pro-
3 viding such assistance.

4 (3) COUNTERNARCOTICS EFFORTS.—(A) To as-
5 sist in the eradication of poppy cultivation, the dis-
6 ruption of heroin production, and the reduction of
7 the overall supply and demand for illicit narcotics in
8 Afghanistan and the region, with particular empha-
9 sis on assistance to—

10 (i) eradicate opium poppy, establish crop
11 substitution programs, purchase nonopium
12 products from farmers in opium-growing areas,
13 quick-impact public works programs to divert
14 labor from narcotics production, develop
15 projects directed specifically at narcotics pro-
16 duction, processing, or trafficking areas to pro-
17 vide incentives to cooperation in narcotics sup-
18 pression activities, and related programs;

19 (ii) establish or provide assistance to one
20 or more entities within the Government of Af-
21 ghanistan, including the Afghan State High
22 Commission for Drug Control, and to provide
23 training and equipment for the entities, to help
24 enforce counternarcotics laws in Afghanistan

1 and limit illicit narcotics growth, production,
2 and trafficking in Afghanistan;

3 (iii) train and provide equipment for cus-
4 toms, police, and other border control entities in
5 Afghanistan and the region relating to illicit
6 narcotics interdiction and relating to precursor
7 chemical controls and interdiction to help dis-
8 rupt heroin production in Afghanistan and the
9 region;

10 (iv) continue the annual opium crop survey
11 and strategic studies on opium crop planting
12 and farming in Afghanistan; and

13 (v) reduce demand for illicit narcotics
14 among the people of Afghanistan, including ref-
15 ugees returning to Afghanistan.

16 (B) For each of the fiscal years 2003 through
17 2006, \$15,000,000 is authorized to be appropriated
18 to the President to be made available for a contribu-
19 tion to the United Nations Drug Control Program
20 for the purpose of carrying out activities described
21 in clauses (i) through (v) of subparagraph (A).
22 Amounts made available under the preceding sen-
23 tence are in addition to amounts otherwise available
24 for such purposes.

1 (4) REESTABLISHMENT OF FOOD SECURITY,
2 REHABILITATION OF THE AGRICULTURE SECTOR,
3 IMPROVEMENT IN HEALTH CONDITIONS, AND THE
4 RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To
5 assist in expanding access to markets in Afghani-
6 stan, to increase the availability of food in markets
7 in Afghanistan, to rehabilitate the agriculture sector
8 in Afghanistan by creating jobs for former combat-
9 ants, returning refugees, and internally displaced
10 persons, to improve health conditions, and assist in
11 the rebuilding of basic infrastructure in Afghanistan,
12 including assistance such as—

13 (A) rehabilitation of the agricultural infra-
14 structure, including irrigation systems and
15 rural roads;

16 (B) extension of credit;

17 (C) provision of critical agricultural inputs,
18 such as seeds, tools, and fertilizer, and
19 strengthening of seed multiplication, certifi-
20 cation, and distribution systems;

21 (D) improvement in the quantity and qual-
22 ity of water available through, among other
23 things, rehabilitation of existing irrigation sys-
24 tems and the development of local capacity to
25 manage irrigation systems;

1 (E) livestock rehabilitation through market
2 development and other mechanisms to dis-
3 tribute stocks to replace those stocks lost as a
4 result of conflict or drought;

5 (F) mine awareness and demining pro-
6 grams and programs to assist mine victims, war
7 orphans, and widows;

8 (G) programs relating to infant and young
9 child feeding, immunizations, vitamin A sup-
10 plementation, and prevention and treatment of
11 diarrheal diseases and respiratory infections;

12 (H) programs to improve maternal and
13 child health and reduce maternal and child
14 mortality;

15 (I) programs to improve hygienic and sani-
16 tation practices and for the prevention and
17 treatment of infectious diseases, such as tuber-
18 culosis and malaria;

19 (J) programs to reconstitute the delivery of
20 health care, including the reconstruction of
21 health clinics or other basic health infrastruc-
22 ture, with particular emphasis on health care
23 for children who are orphans;

24 (K) programs for housing (including re-
25 pairing homes damaged during military oper-

1 ations), rebuilding urban infrastructure, and
2 supporting basic urban services; and

3 (L) disarmament, demobilization, and re-
4 integration of armed combatants into society,
5 particularly child soldiers.

6 (5) REESTABLISHMENT OF AFGHANISTAN AS A
7 VIABLE NATION-STATE.—(A) To assist in the devel-
8 opment of the capacity of the Government of Af-
9 ghanistan to meet the needs of the people of Afghan-
10 istan through, among other things, support for the
11 development and expansion of democratic and mar-
12 ket-based institutions, including assistance such
13 as—

14 (i) support for international organizations
15 that provide civil advisers to the Government of
16 Afghanistan;

17 (ii) support for an educated citizenry
18 through improved access to basic education,
19 with particular emphasis on basic education for
20 children who are orphans, with particular em-
21 phasis on basic education for children;

22 (iii) programs to enable the Government of
23 Afghanistan to recruit and train teachers, with
24 special focus on the recruitment and training of
25 female teachers;

1 (iv) programs to enable the Government of
2 Afghanistan to develop school curriculum that
3 incorporates relevant information such as land-
4 mine awareness, food security and agricultural
5 education, human rights awareness, including
6 religious freedom, and civic education;

7 (v) support for the activities of the Govern-
8 ment of Afghanistan to draft a new constitu-
9 tion, other legal frameworks, and other initia-
10 tives to promote the rule of law in Afghanistan,
11 including the recognition of religious freedom in
12 the constitution and other legal frameworks;

13 (vi) support to increase the transparency,
14 accountability, and participatory nature of gov-
15 ernmental institutions, including programs de-
16 signed to combat corruption and other pro-
17 grams for the promotion of good governance;

18 (vii) support for an independent media;

19 (viii) programs that support the expanded
20 participation of women and members of all eth-
21 nic groups in government at national, regional,
22 and local levels;

23 (ix) programs to strengthen civil society or-
24 ganizations that promote human rights, includ-
25 ing religious freedom, freedom of expression,

1 and freedom of association, and support human
2 rights monitoring;

3 (x) support for Afghan and international
4 efforts to investigate human rights atrocities
5 committed in Afghanistan by the Taliban re-
6 gime, opponents of such regime, and terrorist
7 groups operating in Afghanistan, including the
8 collection of forensic evidence relating to such
9 atrocities;

10 (xi) support for national, regional, and
11 local elections and political party development;

12 (xii) support for the effective administra-
13 tion of justice at the national, regional, and
14 local levels, including the establishment of a re-
15 sponsible and community-based police force;

16 (xiii) support for establishment of a central
17 bank and central budgeting authority; and

18 (xiv) assistance in identifying and sur-
19 veying key road and rail routes essential for
20 economic renewal in Afghanistan and the re-
21 gion, support in reconstructing those routes,
22 and support for the establishment of a customs
23 service and training for customs officers.

24 (B) For each of the fiscal years 2003 through
25 2005, \$10,000,000 is authorized to be appropriated

1 to the President to be made available for the pur-
2 poses of carrying out a traditional Afghan assembly
3 or “Loya Jirga” and for support for national, re-
4 gional, and local elections and political party devel-
5 opment under subparagraph (A)(xi).

6 (6) MARKET ECONOMY.—To support the estab-
7 lishment of a market economy, the establishment of
8 private financial institutions, the adoption of policies
9 to promote foreign direct investment, the develop-
10 ment of a basic telecommunication infrastructure,
11 and the development of trade and other commercial
12 links with countries in the region and with the
13 United States, including policies to—

14 (A) encourage the return of Afghanistan
15 citizens or nationals living abroad who have
16 marketable and business-related skills;

17 (B) establish financial institutions, includ-
18 ing credit unions, cooperatives, and other enti-
19 ties providing microenterprise credits and other
20 income-generation programs for the poor, with
21 particular emphasis on women;

22 (C) facilitate expanded trade with coun-
23 tries in the region;

1 (D) promote and foster respect for basic
2 workers' rights and protections against exploi-
3 tation of child labor;

4 (E) develop handicraft and other small-
5 scale industries; and

6 (F) provide financing programs for the re-
7 construction of Kabul and other major cities in
8 Afghanistan.

9 (7) ASSISTANCE TO WOMEN AND GIRLS.—

10 (A) ASSISTANCE OBJECTIVES.—To assist
11 women and girls in Afghanistan in the areas of
12 political and human rights, health care, edu-
13 cation, training, security, and shelter, with par-
14 ticular emphasis on assistance—

15 (i) to support construction of, provide
16 equipment and medical supplies to, and
17 otherwise facilitate the establishment and
18 rehabilitation of, health care facilities in
19 order to improve the health care of women,
20 children, and infants;

21 (ii) to expand immunization programs
22 for women and children;

23 (iii) to establish, maintain, and ex-
24 pand primary and secondary schools for

- 1 girls that include mathematics, science,
2 and languages in their primary curriculum;
- 3 (iv) to develop and expand technical
4 and vocational training programs and in-
5 come-generation projects for women;
- 6 (v) to provide special educational op-
7 portunities for girls whose schooling was
8 ended by the Taliban, and to support the
9 ability of women to have access to higher
10 education;
- 11 (vi) to develop and implement pro-
12 grams to protect women and girls against
13 sexual and physical abuse, abduction, traf-
14 ficking, exploitation, and sex discrimina-
15 tion in the delivery of humanitarian sup-
16 plies and services;
- 17 (vii) to provide emergency shelters for
18 women and girls who face danger from vio-
19 lence;
- 20 (viii) to direct humanitarian assist-
21 ance to widows, who make up a very large
22 and needy population in war-torn Afghani-
23 stan;
- 24 (ix) to support the work of women-led
25 and local nongovernmental organizations

1 with demonstrated experience in delivering
2 services to Afghan women and children;

3 (x) to disseminate information
4 throughout Afghanistan on the rights of
5 women and on international standards of
6 human rights, including the rights of reli-
7 gious freedom, freedom of expression, and
8 freedom of association;

9 (xi) to provide women's rights and
10 human rights training for military, police,
11 and legal personnel; and

12 (xii) to support the National Human
13 Rights Commission in programs to pro-
14 mote women's rights and human rights, in-
15 cluding the rights of religious freedom,
16 freedom of expression, and freedom of as-
17 sociation, and in the investigation and
18 monitoring of women's rights and human
19 rights abuses.

20 (B) AVAILABILITY OF FUNDS.—For each
21 of the fiscal years 2003 through 2006—

22 (i) \$15,000,000 is authorized to be
23 appropriated to the President to be made
24 available to the Afghan Ministry of Wom-
25 en's Affairs; and

1 (ii) \$5,000,000 is authorized to be ap-
2 propriated to the President to be made
3 available to the National Human Rights
4 Commission of Afghanistan.

5 (C) RELATION TO OTHER AVAILABLE
6 FUNDS.—Amounts made available under sub-
7 paragraph (B) are in addition to amounts oth-
8 erwise available for such purposes.

9 (b) LIMITATION.—

10 (1) IN GENERAL.—Amounts made available to
11 carry out this title (except amounts made available
12 for assistance under paragraphs (1) through (3) and
13 subparagraphs (F) through (I) of paragraph (4) of
14 subsection (a)) may be provided only if the President
15 first determines and certifies to Congress with re-
16 spect to the fiscal year involved that progress is
17 being made toward adopting a constitution and es-
18 tablishing a democratically elected government for
19 Afghanistan that respects human rights.

20 (2) WAIVER.—

21 (A) IN GENERAL.—The President may
22 waive the application of paragraph (1) if the
23 President first determines and certifies to Con-
24 gress that it is important to the national inter-
25 est of the United States to do so.

1 (B) CONTENTS OF CERTIFICATION.—A
2 certification transmitted to Congress under sub-
3 paragraph (A) shall include a written expla-
4 nation of the basis for the determination of the
5 President to waive the application of paragraph
6 (1).

7 (c) ENTERPRISE FUND.—

8 (1) AUTHORIZATION OF APPROPRIATIONS.—In
9 addition to funds otherwise available for such pur-
10 pose, there are authorized to be appropriated to the
11 President for an enterprise fund for Afghanistan
12 \$300,000,000. The provisions contained in section
13 201 of the Support for East European Democracy
14 (SEED) Act of 1989 (excluding the authorizations
15 of appropriations provided in subsection (b) of that
16 section) shall apply with respect to such enterprise
17 fund and to funds made available to such enterprise
18 fund under this subsection.

19 (2) AVAILABILITY OF FUNDS.—Amounts appro-
20 priated pursuant to paragraph (1) are authorized to
21 remain available until expended.

22 **SEC. 104. COORDINATION OF ASSISTANCE.**

23 (a) IN GENERAL.—The President is strongly urged
24 to designate, within the Department of State, a coordi-
25 nator who shall be responsible for—

1 (1) designing an overall strategy to advance
2 United States interests in Afghanistan;

3 (2) ensuring program and policy coordination
4 among agencies of the United States Government in
5 carrying out the policies set forth in this title;

6 (3) pursuing coordination with other countries
7 and international organizations with respect to as-
8 sistance to Afghanistan;

9 (4) ensuring that United States assistance pro-
10 grams for Afghanistan are consistent with this title;

11 (5) ensuring proper management, implementa-
12 tion, and oversight by agencies responsible for as-
13 sistance programs for Afghanistan; and

14 (6) resolving policy and program disputes
15 among United States Government agencies with re-
16 spect to United States assistance for Afghanistan.

17 (b) RANK AND STATUS OF THE COORDINATOR.—The
18 coordinator designated under subsection (a) shall have the
19 rank and status of ambassador.

20 **SEC. 105. SENSE OF CONGRESS REGARDING PROMOTING**
21 **COOPERATION IN OPIUM PRODUCING AREAS.**

22 It is the sense of Congress that the President
23 should—

24 (1) to the extent practicable, under such proce-
25 dures as the President may prescribe, withhold

1 United States bilateral assistance from, and oppose
2 multilateral assistance to, opium-producing areas of
3 Afghanistan if, within such areas, appropriate co-
4 operation is not provided to the United States, the
5 Government of Afghanistan, and international orga-
6 nizations with respect to the suppression of narcotics
7 cultivation and trafficking, and if withholding such
8 assistance would promote such cooperation;

9 (2) redistribute any United States bilateral as-
10 sistance (and to promote the redistribution of any
11 multilateral assistance) withheld from an opium-pro-
12 ducing area to other areas with respect to which as-
13 sistance has not been withheld as a consequence of
14 this section; and

15 (3) define or redefine the boundaries of opium
16 producing areas of Afghanistan for the purposes of
17 this section.

18 **SEC. 106. ADMINISTRATIVE PROVISIONS.**

19 (a) **APPLICABLE ADMINISTRATIVE AUTHORITIES.**—
20 Except to the extent inconsistent with the provisions of
21 this title, the administrative authorities under chapters 1
22 and 2 of part III of the Foreign Assistance Act of 1961
23 shall apply to the provision of assistance under this title
24 to the same extent and in the same manner as such au-

1 thorities apply to the provision of economic assistance
2 under part I of such Act.

3 (b) USE OF THE EXPERTISE OF AFGHAN-AMERI-
4 CANS.—In providing assistance authorized by this title,
5 the President should—

6 (1) maximize the use, to the extent feasible, of
7 the services of Afghan-Americans who have expertise
8 in the areas for which assistance is authorized by
9 this title; and

10 (2) in the awarding of contracts and grants to
11 implement activities authorized under this title, en-
12 courage the participation of such Afghan-Americans
13 (including organizations employing a significant
14 number of such Afghan-Americans).

15 (c) DONATIONS OF MANUFACTURING EQUIPMENT;
16 USE OF COLLEGES AND UNIVERSITIES.—In providing as-
17 sistance authorized by this title, the President, to the max-
18 imum extent practicable, should—

19 (1) encourage the donation of appropriate ex-
20 cess or obsolete manufacturing and related equip-
21 ment by United States businesses (including small
22 businesses) for the reconstruction of Afghanistan;
23 and

24 (2) utilize research conducted by United States
25 colleges and universities and the technical expertise

1 of professionals within those institutions, particu-
2 larly in the areas of agriculture and rural develop-
3 ment.

4 (d) ADMINISTRATIVE EXPENSES.—Of the funds
5 made available to carry out the purposes of assistance au-
6 thorized by this title in any fiscal year, up to 7 percent
7 may be used for administrative expenses of Federal de-
8 partments and agencies in connection with the provision
9 of such assistance.

10 (e) MONITORING.—

11 (1) COMPTROLLER GENERAL.—The Comp-
12 troller General shall monitor the provision of assist-
13 ance under this title.

14 (2) INSPECTOR GENERAL OF USAID.—The In-
15 spector General of the United States Agency for
16 International Development shall conduct audits, in-
17 spections, and other activities, as appropriate, asso-
18 ciated with the expenditure of the funds to carry out
19 this title.

20 (f) PRIORITY FOR DIRECT ASSISTANCE TO THE GOV-
21 ERNMENT OF AFGHANISTAN.—To the maximum extent
22 practicable, assistance authorized under this title should
23 be provided directly to the Government of Afghanistan (in-
24 cluding any appropriate ministry thereof).

1 **SEC. 107. RELATIONSHIP TO OTHER AUTHORITY.**

2 The authority to provide assistance under this title
3 is in addition to any other authority to provide assistance
4 to the Government of Afghanistan.

5 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—There is authorized to be appro-
7 priated to the President to carry out this title (other than
8 section 103(c)) \$425,000,000 for each of the fiscal years
9 2003 through 2006.

10 (b) AVAILABILITY.—Amounts appropriated pursuant
11 to the authorization of appropriations under subsection (a)
12 are—

13 (1) authorized to remain available until ex-
14 pended; and

15 (2) in addition to funds otherwise available for
16 such purposes, including, with respect to food assist-
17 ance under section 103(a)(1), funds available under
18 title II of the Agricultural Trade Development and
19 Assistance Act of 1954, the Food for Progress Act
20 of 1985, and section 416(b) of the Agricultural Act
21 of 1949.

1 **TITLE II—MILITARY ASSISTANCE**
2 **FOR AFGHANISTAN AND CER-**
3 **TAIN OTHER FOREIGN COUN-**
4 **TRIES AND INTERNATIONAL**
5 **ORGANIZATIONS**

6 **SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN**
7 **AFGHANISTAN.**

8 It is the sense of Congress that, during the transition
9 to a broad-based, multi-ethnic, gender-sensitive, fully rep-
10 resentative government in Afghanistan, the United States
11 should support—

12 (1) the development of a civilian-controlled and
13 centrally-governed standing Afghanistan army that
14 respects human rights and prohibits the use of chil-
15 dren as soldiers or combatants;

16 (2) the creation and training of a professional
17 civilian police force that respects human rights; and

18 (3) a multinational security force in Afghani-
19 stan.

20 **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

21 (a) **DRAWDOWN AUTHORITY.**—

22 (1) **IN GENERAL.**—The President is authorized
23 to exercise his authorities under section 506 of the
24 Foreign Assistance Act of 1961 (22 U.S.C. 2318) to

1 direct the drawdown of defense articles, defense
2 services, and military education and training—

3 (A) for the Government of Afghanistan, in
4 accordance with this section; and

5 (B) for eligible foreign countries, and eligi-
6 ble international organizations, in accordance
7 with this section and sections 203 and 205.

8 (2) AUTHORITY TO ACQUIRE BY CONTRACT OR
9 OTHERWISE.—The assistance authorized under
10 paragraph (1) may include the supply of defense ar-
11 ticles, defense services, counter-narcotics, crime con-
12 trol and police training services, other support, and
13 military education and training that are acquired by
14 contract or otherwise.

15 (b) AMOUNT OF ASSISTANCE.—The aggregate value
16 (as defined in section 644(m) of the Foreign Assistance
17 Act of 1961) of assistance provided under subsection (a)
18 may not exceed \$300,000,000, except that such limitation
19 shall be increased by any amounts appropriated pursuant
20 to the authorization of appropriations in section 204(b)(1)
21 and shall not count toward any limitation contained in sec-
22 tion 506 of the Foreign Assistance Act of 1961 (22 U.S.C.
23 2318).

1 **SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE**
2 **INTERNATIONAL ORGANIZATIONS.**

3 (a) IN GENERAL.—Except as provided in subsection
4 (b), a foreign country or international organization shall
5 be eligible to receive assistance under section 202 if—

6 (1) such country or organization is partici-
7 pating in military, peacekeeping, or policing oper-
8 ations in Afghanistan aimed at restoring or main-
9 taining peace and security in that country; and

10 (2) such assistance is provided specifically for
11 such operations in Afghanistan.

12 (b) EXCEPTION.—No country the government of
13 which has been determined by the Secretary of State to
14 have repeatedly engaged in gross violations of human
15 rights, or provided support for acts of international ter-
16 rorism under section 620A of the Foreign Assistance Act
17 of 1961 (22 U.S.C. 2371), section 6(j)(1) of the Export
18 Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)),
19 or section 40(d) of the Arms Export Control Act (22
20 U.S.C. 2780(d)) shall be eligible to receive assistance
21 under section 202.

22 **SEC. 204. REIMBURSEMENT FOR ASSISTANCE.**

23 (a) IN GENERAL.—Defense articles, defense services,
24 and military education and training provided under sec-
25 tion 202(a)(2) shall be made available without reimburse-
26 ment to the Department of Defense except to the extent

1 that funds are appropriated pursuant to the authorization
2 of appropriations in subsection (b)(1).

3 (b) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to the President such sums as may be
6 necessary to reimburse the applicable appropriation,
7 fund, or account for the value (as defined in section
8 644(m) of the Foreign Assistance Act of 1961) of
9 defense articles, defense services, or military edu-
10 cation and training provided under section
11 202(a)(2).

12 (2) AVAILABILITY.—Amounts appropriated pur-
13 suant to the authorization of appropriations under
14 paragraph (1) are in addition to amounts otherwise
15 available for the purposes described in this title.

16 **SEC. 205. CONGRESSIONAL NOTIFICATION REQUIREMENTS.**

17 (a) AUTHORITY.—The President may provide assist-
18 ance under this title to any eligible foreign country or eli-
19 gible international organization if the President deter-
20 mines that such assistance is important to the national
21 security interest of the United States and notifies the
22 Committee on International Relations and the Committee
23 on Appropriations of the House of Representatives and the
24 Committee on Foreign Relations and the Committee on

1 Appropriations of the Senate of such determination at
2 least 15 days in advance of providing such assistance.

3 (b) NOTIFICATION.—The report described in sub-
4 section (a) shall be submitted in classified and unclassified
5 form and shall include information relating to the type and
6 amount of assistance proposed to be provided and the ac-
7 tions that the proposed recipient of such assistance has
8 taken or has committed to take.

9 **SEC. 206. PROMOTING SECURE DELIVERY OF HUMANI-**
10 **TARIAN AND OTHER ASSISTANCE IN AFGHAN-**
11 **ISTAN AND EXPANSION OF THE INTER-**
12 **NATIONAL SECURITY ASSISTANCE FORCE.**

13 (a) FINDINGS.—Congress finds the following:

14 (1) The President has declared his view that
15 the United States should provide significant assist-
16 ance to Afghanistan so that it is no longer a haven
17 for terrorism.

18 (2) The delivery of humanitarian and recon-
19 struction assistance from the international commu-
20 nity is necessary for the safe return of refugees and
21 is critical to the future stability of Afghanistan.

22 (3) Enhanced stability in Afghanistan through
23 an improved security environment is critical to the
24 functioning of the Government of Afghanistan and
25 the traditional Afghan assembly or “Loya Jirga”

1 process, which is intended to lead to a permanent
2 national government in Afghanistan, and also is es-
3 sential for the participation of women in Afghan so-
4 ciety.

5 (4) Incidents of violence between armed factions
6 and local and regional commanders, and serious
7 abuses of human rights, including attacks on women
8 and ethnic minorities throughout Afghanistan, cre-
9 ate an insecure, volatile, and unsafe environment in
10 parts of Afghanistan, displacing thousands of Af-
11 ghan civilians from their local communities.

12 (5)(A) On July 6, Vice President Haji Abdul
13 Qadir was assassinated in Kabul by unknown assail-
14 ants.

15 (B) On September 5, 2002, a car bomb ex-
16 ploded in Kabul killing 32 and injuring 150 and on
17 the same day a member of Kandahar Governor
18 Sherzai's security team attempted to assassinate
19 President Karzai.

20 (6) The violence and lawlessness may jeopardize
21 the "Loya Jirga" process, undermine efforts to build
22 a strong central government, severely impede recon-
23 struction and the delivery of humanitarian assist-
24 ance, and increase the likelihood that parts of Af-

1 ghanistan will once again become safe havens for al-
2 Qaida, Taliban forces, and drug traffickers.

3 (7) The lack of security and lawlessness may
4 also perpetuate the need for United States Armed
5 Forces in Afghanistan and threaten the ability of
6 the United States to meet its military objectives.

7 (8) The International Security Assistance Force
8 in Afghanistan, currently led by Turkey, and com-
9 posed of forces from other willing countries without
10 the participation of United States Armed Forces, is
11 deployed only in Kabul and currently does not have
12 the mandate or the capacity to provide security to
13 other parts of Afghanistan.

14 (9) Due to the ongoing military campaign in
15 Afghanistan, the United States does not contribute
16 troops to the International Security Assistance
17 Force but has provided support to other countries
18 that are doing so.

19 (10) The United States is providing political, fi-
20 nancial, training, and other assistance to the Afghan
21 Interim Authority as it begins to build a national
22 army and police force to help provide security
23 throughout Afghanistan, but this effort is not meet-
24 ing the immediate security needs of Afghanistan.

1 (11) Because of these immediate security needs,
2 the Government of Afghanistan, its President,
3 Hamid Karzai, and many Afghan regional leaders
4 have called for the International Security Assistance
5 Force, which has successfully brought stability to
6 Kabul, to be expanded and deployed throughout the
7 country, and this request has been strongly sup-
8 ported by a wide range of international humani-
9 tarian organizations, including the International
10 Committee of the Red Cross, Catholic Relief Serv-
11 ices, and Refugees International.

12 (b) STATEMENT OF POLICY.—It should be the policy
13 of the United States to support measures to help meet
14 the immediate security needs of Afghanistan in order to
15 promote safe and effective delivery of humanitarian and
16 other assistance throughout Afghanistan, further the rule
17 of law and civil order, and support the formation of a func-
18 tioning, representative Afghan national government.

19 (c) IMPLEMENTATION OF STRATEGY.—

20 (1) INITIAL REPORT.—Not later than 60 days
21 after the date of the enactment of this Act, the
22 President shall provide the Committee on Inter-
23 national Relations and the Committee on Appropria-
24 tions of the House of Representatives and the Com-

1 mittee on Foreign Relations and the Committee on
2 Appropriations of the Senate with—

3 (A) a strategy for meeting the immediate
4 and long-term security needs of Afghanistan in
5 order to promote safe and effective delivery of
6 humanitarian and other assistance throughout
7 Afghanistan, further the rule of law and civil
8 order, and support the formation of a func-
9 tioning, representative Afghan national govern-
10 ment, including an update to the strategies sub-
11 mitted pursuant to Public Law 107–206; and

12 (B) a description of the progress of the
13 Government of Afghanistan toward the eradi-
14 cation of poppy cultivation, the disruption of
15 heroin production, and the reduction of the
16 overall supply and demand for illicit narcotics
17 in Afghanistan in accordance with the provi-
18 sions of this Act.

19 (2) IMPLEMENTATION OF STRATEGY.—Every 6
20 months after the enactment of this Act through Jan-
21 uary 1, 2007, the President shall submit to the con-
22 gressional committees specified in paragraph (1) a
23 report on the implementation of the strategies for
24 meeting the immediate and long-term security needs

1 of Afghanistan, which shall include the following
2 elements—

3 (A) since the previous report, the progress
4 in recruiting, training, and deploying an Afghan
5 National Army and police force, including the
6 numbers and ethnic composition of recruits; the
7 number of graduates from military and police
8 training; the numbers of graduates retained by
9 the Afghan National Army and police forces
10 since the previous report; the numbers of grad-
11 uates operationally deployed and to which areas
12 of the country; the degree to which these grad-
13 uates are assuming security responsibilities;
14 whether Afghan army and police units are es-
15 tablishing effective central governmental au-
16 thority over areas of the country, and which
17 areas; and the numbers of instances of armed
18 attacks against Afghan central governmental of-
19 ficials, United States or international officials,
20 troops or aid workers, or between the armed
21 forces of regional leaders;

22 (B) the degree to which armed regional
23 leaders are cooperating and integrating with the
24 central government, providing security and
25 order within their regions of influence, engaging

1 in armed conflict or other forms of competition
2 that are deleterious to peace, security, and the
3 integration of a unified Afghanistan under the
4 central government;

5 (C) the amount of humanitarian relief pro-
6 vided since the previous report to returnees, iso-
7 lated populations and other vulnerable groups,
8 as well as demining assistance and landmine
9 survivors rehabilitation; and the numbers of
10 such persons not assisted since the previous re-
11 port;

12 (D) the steps taken since the previous re-
13 port toward national reconstruction, including
14 establishment of the ministries and other insti-
15 tutions of the Government of Afghanistan;

16 (E) the numbers of Civil Affairs Teams
17 working with regional leaders, as well as the
18 quick impact infrastructure projects undertaken
19 by such teams since the previous report;

20 (F) efforts undertaken since the previous
21 report to rebuild the justice sector, including
22 the establishment of a functioning judiciary, a
23 competent bar, reintegration of women legal
24 professionals and a reliable penal system, and
25 the respect for human rights; and

1 (G) a description of the progress of the
2 Government of Afghanistan with respect to the
3 matters described in paragraph (1)(B).

4 (d) EXPANSION OF THE INTERNATIONAL SECURITY
5 ASSISTANCE FORCE.—

6 (1) SENSE OF CONGRESS.—Congress urges the
7 President, in order to fulfill the objective of estab-
8 lishing security in Afghanistan, to take all appro-
9 priate measures to assist Afghanistan establish a se-
10 cure environment throughout the country, including
11 by—

12 (A) sponsoring in the United Nations Se-
13 curity Council a resolution authorizing an ex-
14 pansion of the International Security Assistance
15 Force, or the establishment of a similar security
16 force; and

17 (B) enlisting the European and other allies
18 of the United States to provide forces for an ex-
19 pansion of the International Security Assistance
20 Force in Afghanistan, or the establishment of a
21 similar security force.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—(A)
23 There is authorized to be appropriated to the Presi-
24 dent \$500,000,000 for each of fiscal years 2003 and
25 2004 to support the International Security Assist-

1 ance Force or the establishment of a similar security
2 force.

3 (B) Amounts made available under subpara-
4 graph (A) may be appropriated pursuant to chapter
5 4 of part II of the Foreign Assistance Act of 1961,
6 section 551 of such Act, or section 23 of the Arms
7 Export Control Act.

8 (C) Funds appropriated pursuant to subpara-
9 graph (A) shall be subject to the notification re-
10 quirements under section 634A of the Foreign As-
11 sistance Act of 1961.

12 **SEC. 207. RELATIONSHIP TO OTHER AUTHORITY.**

13 (a) **ADDITIONAL AUTHORITY.**—The authority to pro-
14 vide assistance under this title is in addition to any other
15 authority to provide assistance to the Government of Af-
16 ghanistan.

17 (b) **LAWS RESTRICTING AUTHORITY.**—Assistance
18 under this title to the Government of Afghanistan may
19 be provided notwithstanding section 512 of Public Law
20 107–115 or any similar provision of law.

21 **SEC. 208. SUNSET.**

22 The authority of this title shall expire after Sep-
23 tember 30, 2006.

1 **TITLE III—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 301. REQUIREMENT TO COMPLY WITH PROCEDURES**
4 **RELATING TO THE PROHIBITION ON ASSIST-**
5 **ANCE TO DRUG TRAFFICKERS.**

6 Assistance provided under this Act shall be subject
7 to the same provisions as are applicable to assistance
8 under the Foreign Assistance Act of 1961 and the Arms
9 Export Control Act under section 487 of the Foreign As-
10 sistance Act of 1961 (relating to the prohibition on assist-
11 ance to drug traffickers; 22 U.S.C. 2291f), and the appli-
12 cable regulations issued under that section.

13 **SEC. 302. SENSE OF CONGRESS REGARDING PROTECTING**
14 **AFGHANISTAN'S PRESIDENT.**

15 It is the sense of Congress that—

16 (1) any United States physical protection force
17 provided for the personal security of the President
18 of Afghanistan should be composed of United States
19 diplomatic security, law-enforcement, or military
20 personnel, and should not utilize private contracted
21 personnel to provide actual physical protection serv-
22 ices;

23 (2) United States allies should be invited to vol-
24 unteer active-duty military or law enforcement per-
25 sonnel to participate in such a protection forces; and

1 (3) such a protection force should be limited in
2 duration and should be succeeded by qualified Af-
3 ghan security forces as soon as practicable.

4 **SEC. 303. DONOR CONTRIBUTIONS TO AFGHANISTAN AND**
5 **REPORTS.**

6 (a) FINDINGS.—The Congress finds that inadequate
7 amounts of international assistance promised by donor
8 states at the Tokyo donors conference and elsewhere have
9 been delivered to Afghanistan, imperiling the rebuilding
10 and development of civil society and infrastructure, and
11 endangering peace and security in that war-torn country.

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the United States should use all appropriate
14 diplomatic means to encourage all states that have pledged
15 assistance to Afghanistan to deliver as soon as possible
16 the total amount of assistance pledged.

17 (c) REPORTS.—

18 (1) IN GENERAL.—The Secretary of State shall
19 submit reports to the Committee on Foreign Rela-
20 tions and the Committee on Appropriations of the
21 Senate and the Committee on International Rela-
22 tions and the Committee on Appropriations of the
23 House of Representatives, in accordance with this
24 paragraph, on the status of contributions of assist-
25 ance from donor states to Afghanistan. The first re-

1 port shall be submitted not later than 60 days after
2 the date of enactment of this Act, the second report
3 shall be submitted 90 days thereafter, and subse-
4 quent reports shall be submitted every 180 days
5 thereafter through December 31, 2004.

6 (2) FURTHER REQUIREMENTS.—Each report,
7 which shall be unclassified and posted upon the De-
8 partment of State’s Internet website, shall include,
9 by donor country, the total amount pledged, the
10 amount delivered within the previous 60 days, the
11 total amount of assistance delivered, the type of as-
12 sistance and type of projects supported by the assist-
13 ance.

Passed the Senate November 14, 2002.

Attest:

Secretary.

107TH CONGRESS
2D SESSION

S. 2712

AN ACT

To authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.