

107TH CONGRESS
2D SESSION

H. R. 3994

AN ACT

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

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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,*

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

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

5 (b) **TABLE OF CONTENTS.**—The table of contents for
 6 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. Principles of assistance.

Sec. 104. Authorization of assistance.

Sec. 105. Promoting cooperation in major opium producing regions of Afghani-
 stan.

Sec. 106. Coordination of assistance.

Sec. 107. Administrative provisions.

Sec. 108. Authorization of appropriations.

**TITLE II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CER-
 TAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL OR-
 GANIZATIONS**

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. Authority to provide assistance.

Sec. 206. Promoting secure delivery of humanitarian and other assistance in
 Afghanistan.

Sec. 207. Sunset.

**TITLE III—ADDITIONAL REQUIREMENTS WITH RESPECT TO
 ASSISTANCE FOR AFGHANISTAN**

Sec. 301. Prohibition on United States involvement in poppy cultivation or il-
 licit narcotics growth, production, or trafficking.

Sec. 302. Requirement to report by certain United States officials.

Sec. 303. Report by the President.

7 (c) **DEFINITION.**—In this Act, the term “Government
 8 of Afghanistan” includes the government of any political
 9 subdivision of Afghanistan, and any agency or instrumen-
 10 tality of the Government 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's agriculture, health care, civil serv-
17 ice, financial, and educational systems.

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

23 (4) The United States should support the objec-
24 tives agreed to on December 5, 2001, in Bonn, Ger-
25 many, regarding the provisional arrangement for Af-

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

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

20 (6) To foster stability and democratization and
21 to effectively eliminate the causes of terrorism, the
22 United States and the international community
23 should also support efforts that advance the develop-
24 ment of democratic civil authorities and institutions
25 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, as may be de-
16 cided through the convening of a traditional Afghan
17 assembly or “Loya Jirga” as agreed to on December
18 5, 2001, in Bonn, Germany;

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

24 (8) to include specific resources to the Ministry
25 for Women’s Affairs of Afghanistan to carry out its

1 responsibilities for legal advocacy, education, voca-
2 tional training, and women's health programs.

3 **SEC. 103. PRINCIPLES OF ASSISTANCE.**

4 The following principles should guide the provision of
5 assistance authorized by this title:

6 (1) **TERRORISM AND NARCOTICS CONTROL.**—
7 Assistance should be designed to reduce the likeli-
8 hood of harm to United States and other allied
9 forces in Afghanistan and the region, the likelihood
10 of additional acts of international terrorism ema-
11 nating from Afghanistan, and the cultivation, pro-
12 duction, trafficking, and use of illicit narcotics in Af-
13 ghanistan.

14 (2) **ROLE OF WOMEN.**—Assistance should in-
15 crease the participation of women at the national,
16 regional, and local levels in Afghanistan, wherever
17 feasible, by enhancing the role of women in decision-
18 making processes, as well as by providing support
19 for programs that aim to expand economic and edu-
20 cational opportunities and health programs for
21 women and educational and health programs for
22 girls.

23 (3) **AFGHAN OWNERSHIP.**—Assistance should
24 build upon Afghan traditions and practices. The
25 strong tradition of community responsibility and

1 self-reliance in Afghanistan should be built upon to
2 increase the capacity of the Afghan people and insti-
3 tutions to participate in the reconstruction of Af-
4 ghanistan.

5 (4) STABILITY.—Assistance should encourage
6 the restoration of security in Afghanistan, including,
7 among other things, the disarmament, demobiliza-
8 tion, and reintegration of combatants, and the estab-
9 lishment of the rule of law, including the establish-
10 ment of a police force and an effective, independent
11 judiciary.

12 (5) COORDINATION.—Assistance should be part
13 of a larger donor effort for Afghanistan. The mag-
14 nitude of the devastation—natural and man-made—
15 to institutions and infrastructure make it imperative
16 that there be close coordination and collaboration
17 among donors. The United States should endeavor
18 to assert its leadership to have the efforts of inter-
19 national donors help achieve the purposes estab-
20 lished by this title.

21 **SEC. 104. AUTHORIZATION OF ASSISTANCE.**

22 (a) IN GENERAL.—The President is authorized to
23 provide assistance for Afghanistan for the following activi-
24 ties:

1 (1) URGENT HUMANITARIAN NEEDS.—To assist
2 in meeting the urgent humanitarian needs of the
3 people of Afghanistan, including assistance such
4 as—

5 (A) emergency food, shelter, and medical
6 assistance;

7 (B) clean drinking water and sanitation;

8 (C) preventative health care, including
9 childhood vaccination, therapeutic feeding, ma-
10 ternal child health services, and infectious dis-
11 eases surveillance and treatment;

12 (D) family tracing and reunification serv-
13 ices; and

14 (E) clearance of landmines.

15 (2) REPATRIATION AND RESETTLEMENT OF
16 REFUGEES AND INTERNALLY DISPLACED PER-
17 SONS.—To assist refugees and internally displaced
18 persons as they return to their home communities in
19 Afghanistan and to support their reintegration into
20 those communities, including assistance such as—

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

22 (B) assistance to communities, including
23 those in neighboring countries, that have taken
24 in large numbers of refugees in order to reha-
25 bilitate or expand social, health, and edu-

1 cational services that may have suffered as a
2 result of the influx of large numbers of refu-
3 gees;

4 (C) assistance to international organiza-
5 tions and host governments in maintaining se-
6 curity by screening refugees to ensure the ex-
7 clusion of armed combatants, members of for-
8 eign terrorist organizations, and other individ-
9 uals not eligible for economic assistance from
10 the United States; and

11 (D) assistance for voluntary refugee repa-
12 triation and reintegration inside Afghanistan
13 and continued assistance to those refugees who
14 are unable or unwilling to return, and humani-
15 tarian assistance to internally displaced per-
16 sons, including those persons who need assist-
17 ance to return to their homes, through the
18 United Nations High Commissioner for Refu-
19 gees and other organizations charged with pro-
20 viding such assistance.

21 (3) COUNTERNARCOTICS EFFORTS.—(A) To as-
22 sist in the eradication of poppy cultivation, the dis-
23 ruption of heroin production, and the reduction of
24 the overall supply and demand for illicit narcotics in

1 Afghanistan and the region, with particular empha-
2 sis on assistance to—

3 (i) eradicate opium poppy, establish crop
4 substitution programs, purchase nonopium
5 products from farmers in opium-growing areas,
6 quick-impact public works programs to divert
7 labor from narcotics production, develop
8 projects directed specifically at narcotics pro-
9 duction, processing, or trafficking areas to pro-
10 vide incentives to cooperation in narcotics sup-
11 pression activities, and related programs;

12 (ii) establish or provide assistance to one
13 or more entities within the Government of Af-
14 ghanistan, including the Afghan State High
15 Commission for Drug Control, and to provide
16 training and equipment for the entities, to help
17 enforce counternarcotics laws in Afghanistan
18 and limit illicit narcotics growth, production,
19 and trafficking in Afghanistan;

20 (iii) train and provide equipment for cus-
21 toms, police, and other border control entities in
22 Afghanistan and the region relating to illicit
23 narcotics interdiction and relating to precursor
24 chemical controls and interdiction to help dis-

1 rupt heroin production in Afghanistan and the
2 region;

3 (iv) continue the annual opium crop survey
4 and strategic studies on opium crop planting
5 and farming in Afghanistan; and

6 (v) reduce demand for illicit narcotics
7 among the people of Afghanistan, including ref-
8 ugees returning to Afghanistan.

9 (B) For each of the fiscal years 2002 through
10 2005, \$15,000,000 of the amount made available to
11 carry out this title is authorized to be made available
12 for a contribution to the United Nations Drug Con-
13 trol Program for the purpose of carrying out activi-
14 ties described in clauses (i) through (v) of subpara-
15 graph (A). Amounts made available under the pre-
16 ceding sentence are in addition to amounts otherwise
17 available for such purposes.

18 (4) REESTABLISHMENT OF FOOD SECURITY,
19 REHABILITATION OF THE AGRICULTURE SECTOR,
20 IMPROVEMENT IN HEALTH CONDITIONS, AND THE
21 RECONSTRUCTION OF BASIC INFRASTRUCTURE.—To
22 assist in expanding access to markets in Afghani-
23 stan, to increase the availability of food in markets
24 in Afghanistan, to rehabilitate the agriculture sector
25 in Afghanistan by creating jobs for former combat-

1 ants, returning refugees, and internally displaced
2 persons, to improve health conditions, and assist in
3 the rebuilding of basic infrastructure in Afghanistan,
4 including assistance such as—

5 (A) rehabilitation of the agricultural infra-
6 structure, including irrigation systems and
7 rural roads;

8 (B) extension of credit;

9 (C) provision of critical agricultural inputs,
10 such as seeds, tools, and fertilizer, and
11 strengthening of seed multiplication, certifi-
12 cation, and distribution systems;

13 (D) improvement in the quantity and qual-
14 ity of water available through, among other
15 things, rehabilitation of existing irrigation sys-
16 tems and the development of local capacity to
17 manage irrigation systems;

18 (E) livestock rehabilitation through market
19 development and other mechanisms to dis-
20 tribute stocks to replace those stocks lost as a
21 result of conflict or drought;

22 (F) mine awareness and demining pro-
23 grams and programs to assist mine victims, war
24 orphans, and widows;

1 (G) programs relating to infant and young
2 child feeding, immunizations, vitamin A sup-
3 plementation, and prevention and treatment of
4 diarrheal diseases and respiratory infections;

5 (H) programs to improve maternal and
6 child health and reduce maternal and child
7 mortality;

8 (I) programs to improve hygienic and sani-
9 tation practices and for the prevention and
10 treatment of infectious diseases, such as tuber-
11 culosis and malaria;

12 (J) programs to reconstitute the delivery of
13 health care, including the reconstruction of
14 health clinics or other basic health infrastruc-
15 ture, with particular emphasis on health care
16 for children who are orphans;

17 (K) programs for housing, rebuilding
18 urban infrastructure, and supporting basic
19 urban services; and

20 (L) disarmament, demobilization, and re-
21 integration of armed combatants into society,
22 particularly child soldiers.

23 (5) REESTABLISHMENT OF AFGHANISTAN AS A
24 VIABLE NATION-STATE.—(A) To assist in the devel-
25 opment of the capacity of the Government of Af-

1 ghanistan to meet the needs of the people of Afghan-
2 istan through, among other things, support for the
3 development and expansion of democratic and mar-
4 ket-based institutions, including assistance such
5 as—

6 (i) support for international organizations
7 that provide civil advisers to the Government of
8 Afghanistan;

9 (ii) support for an educated citizenry
10 through improved access to basic education,
11 with particular emphasis on basic education for
12 children who are orphans, with particular em-
13 phasis on basic education for children;

14 (iii) programs to enable the Government of
15 Afghanistan to recruit and train teachers, with
16 special focus on the recruitment and training of
17 female teachers;

18 (iv) programs to enable the Government of
19 Afghanistan to develop school curriculum that
20 incorporates relevant information such as land-
21 mine awareness, food security and agricultural
22 education, human rights awareness, and civic
23 education;

24 (v) support for the activities of the Govern-
25 ment of Afghanistan to draft a new constitu-

- 1 tion, other legal frameworks, and other initia-
- 2 tives to promote the rule of law in Afghanistan;
- 3 (vi) support to increase the transparency,
- 4 accountability, and participatory nature of gov-
- 5 ernmental institutions, including programs de-
- 6 signed to combat corruption and other pro-
- 7 grams for the promotion of good governance;
- 8 (vii) support for an independent media;
- 9 (viii) programs that support the expanded
- 10 participation of women and members of all eth-
- 11 nic groups in government at national, regional,
- 12 and local levels;
- 13 (ix) programs to strengthen civil society or-
- 14 ganizations that promote human rights and
- 15 support human rights monitoring;
- 16 (x) support for national, regional, and local
- 17 elections and political party development;
- 18 (xi) support for the effective administra-
- 19 tion of justice at the national, regional, and
- 20 local levels, including the establishment of a re-
- 21 sponsible and community-based police force;
- 22 and
- 23 (xii) support for establishment of a central
- 24 bank and central budgeting authority.

1 (B) For each of the fiscal years 2002 through
2 2005, not less than \$10,000,000 of the amount
3 made available to carry out this title should be made
4 available for the purposes of carrying out a tradi-
5 tional Afghan assembly or “Loya Jirga” and for
6 support for national, regional, and local elections
7 and political party development under subparagraph
8 (A)(x).

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

17 (A) encourage the return of Afghanistan
18 citizens or nationals living abroad who have
19 marketable and business-related skills;

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

1 (C) facilitate expanded trade with coun-
2 tries in the region;

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

6 (E) develop handicraft and other small-
7 scale industries; and

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

11 (b) LIMITATION.—

12 (1) IN GENERAL.—Amounts made available to
13 carry out this title (except amounts made available
14 for assistance under paragraphs (1) through (3) and
15 subparagraphs (F) through (I) of paragraph (4) of
16 subsection (a)) may be provided only if—

17 (A) with respect to assistance for fiscal
18 year 2003, the President first determines and
19 certifies to Congress that a traditional Afghan
20 assembly or “Loya Jirga” has been convened
21 and has decided on a broad-based, multiethnic,
22 gender-sensitive, fully representative transi-
23 tional authority for Afghanistan; and

24 (B) with respect to assistance for fiscal
25 years 2004 and 2005, the President first deter-

1 mines and certifies to Congress with respect to
2 the fiscal year involved that substantial
3 progress has been made toward adopting a con-
4 stitution and establishing a democratically elect-
5 ed government for Afghanistan.

6 (2) WAIVER.—

7 (A) IN GENERAL.—The President may
8 waive the application of subparagraph (A) or
9 (B) of paragraph (1) if the President first de-
10 termines and certifies to Congress that it is im-
11 portant to the national interest of the United
12 States to do so.

13 (B) CONTENTS OF CERTIFICATION.—A
14 certification transmitted to Congress under sub-
15 subparagraph (A) shall include a memorandum of
16 justification that explains the basis for the de-
17 termination of the President to waive the appli-
18 cation of subparagraph (A) or (B) or paragraph
19 (1).

20 **SEC. 105. PROMOTING COOPERATION IN MAJOR OPIUM**
21 **PRODUCING REGIONS OF AFGHANISTAN.**

22 (a) IN GENERAL.—Notwithstanding any other provi-
23 sion of law (except as provided in subsection (c)), sub-
24 sections (a) through (g) of section 490 of the Foreign As-
25 sistance Act of 1961 (22 U.S.C. 2291j), as in effect on

1 January 9, 2002, shall apply with respect to United States
2 bilateral and multilateral assistance to Afghanistan for
3 each of fiscal years 2003 through 2005.

4 (b) AUTHORITY TO APPLY SECTION 490 OF THE
5 FOREIGN ASSISTANCE ACT OF 1961.—

6 (1) IN GENERAL.—The President is authorized
7 and encouraged, to the maximum extent practicable,
8 to apply the provisions of subsections (a), (b), (c),
9 and (e) of section 490 of the Foreign Assistance Act
10 of 1961 to United States bilateral and multilateral
11 assistance to major opium producing regions of Af-
12 ghanistan, including regions within the Badakshan,
13 Helmand, and Qandahar provinces.

14 (2) REDISTRIBUTION.—The President is au-
15 thorized and encouraged to redistribute any United
16 States assistance withheld from an opium producing
17 region pursuant to this subsection to other major
18 opium producing regions of Afghanistan with respect
19 to which United States assistance has not been with-
20 held pursuant to this subsection.

21 (3) MAJOR OPIUM PRODUCING REGIONS.—The
22 President may define or redefine the boundaries of
23 major opium producing regions of Afghanistan for
24 purposes of this subsection.

1 (c) REQUIREMENT TO SUPERSEDE.—The provisions
2 of this section shall not be superseded except by a provi-
3 sion of law enacted after the date of the enactment of this
4 Act which specifically repeals, modifies, or otherwise su-
5 persedes the provision of this section.

6 **SEC. 106. COORDINATION OF ASSISTANCE.**

7 The President is strongly urged to designate, within
8 the Department of State, a coordinator who shall be re-
9 sponsible for—

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

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

15 (3) pursuing coordination with other countries
16 and international organizations with respect to as-
17 sistance to Afghanistan;

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

20 (5) ensuring proper management, implementa-
21 tion, and oversight by agencies responsible for as-
22 sistance programs for Afghanistan; and

23 (6) resolving policy and program disputes
24 among United States Government agencies with re-
25 spect to United States assistance for Afghanistan.

1 **SEC. 107. ADMINISTRATIVE PROVISIONS.**

2 (a) **APPLICABLE ADMINISTRATIVE AUTHORITIES.—**

3 Except to the extent inconsistent with the provisions of
4 this title, the administrative authorities under chapters 1
5 and 2 of part III of the Foreign Assistance Act of 1961
6 shall apply to the provision of assistance under this title
7 to the same extent and in the same manner as such au-
8 thorities apply to the provision of economic assistance
9 under part I of such Act.

10 (b) **USE OF THE EXPERTISE OF AFGHAN-AMERI-**
11 **CANS.—**In providing assistance authorized by this title,
12 the President should—

13 (1) maximize the use, to the extent feasible, of
14 the services of Afghan-Americans who have expertise
15 in the areas for which assistance is authorized by
16 this title; and

17 (2) in the awarding of contracts and grants to
18 implement activities authorized under this title, en-
19 courage the participation of such Afghan-Americans
20 (including organizations employing a significant
21 number of such Afghan-Americans).

22 (c) **DONATIONS OF MANUFACTURING EQUIPMENT;**
23 **USE OF LAND GRANT COLLEGES AND UNIVERSITIES.—**

24 In providing assistance authorized by this title, the Presi-
25 dent, to the maximum extent practicable, should—

1 (1) encourage the donation of appropriate ex-
2 cess or obsolete manufacturing and related equip-
3 ment by United States businesses (including small
4 businesses) for the reconstruction of Afghanistan;
5 and

6 (2) utilize research conducted by United States
7 land grant colleges and universities and the technical
8 expertise of professionals within those institutions,
9 particularly in the areas of agriculture and rural de-
10 velopment.

11 (d) ADMINISTRATIVE EXPENSES.—Not more than 5
12 percent of the amount made available to a Federal depart-
13 ment or agency to carry out this title for a fiscal year
14 may be used by the department or agency for administra-
15 tive expenses in connection with such assistance.

16 (e) MONITORING.—

17 (1) COMPTROLLER GENERAL.—The Comp-
18 troller General shall monitor the provision of assist-
19 ance under this title.

20 (2) INSPECTOR GENERAL OF USAID.—

21 (A) IN GENERAL.—The Inspector General
22 of the United States Agency for International
23 Development shall conduct audits, inspections,
24 and other activities, as appropriate, associated

1 with the expenditure of the funds to carry out
2 this title.

3 (B) FUNDING.—Not more than
4 \$1,500,000 of the amount made available to
5 carry out this title for a fiscal year shall be
6 made available to carry out subparagraph (A).

7 (f) CONGRESSIONAL NOTIFICATION PROCEDURES.—
8 Funds made available to carry out this title may not be
9 obligated until 15 days after notification of the proposed
10 obligation of the funds has been provided to the congress-
11 sional committees specified in section 634A of the Foreign
12 Assistance Act of 1961 in accordance with the procedures
13 applicable to reprogramming notifications under that sec-
14 tion.

15 (g) AUTHORITY TO PROVIDE ASSISTANCE.—Assist-
16 ance under this title may be provided notwithstanding any
17 other provision of law.

18 **SEC. 108. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-
20 priated to the President to carry out this title
21 \$300,000,000 for each of the fiscal years 2002 through
22 2004, and \$250,000,000 for fiscal year 2005. Amounts
23 authorized to be appropriated pursuant to the preceding
24 sentence for fiscal year 2002 are in addition to amounts
25 otherwise available for assistance for Afghanistan.

1 (b) AVAILABILITY.—Amounts appropriated pursuant
2 to the authorization of appropriations under subsection (a)
3 are—

4 (1) authorized to remain available until ex-
5 pended; and

6 (2) in addition to funds otherwise available for
7 such purposes, including, with respect to food assist-
8 ance under section 104(a)(1), funds available under
9 title II of the Agricultural Trade Development and
10 Assistance Act of 1954, the Food for Progress Act
11 of 1985, and section 416(b) of the Agricultural Act
12 of 1949.

13 **TITLE II—MILITARY ASSISTANCE**
14 **FOR AFGHANISTAN AND CER-**
15 **TAIN OTHER FOREIGN COUN-**
16 **TRIES AND INTERNATIONAL**
17 **ORGANIZATIONS**

18 **SEC. 201. SUPPORT FOR SECURITY DURING TRANSITION IN**
19 **AFGHANISTAN.**

20 It is the sense of Congress that, during the transition
21 to a broad-based, multi-ethnic, gender-sensitive, fully rep-
22 resentative government in Afghanistan, the United States
23 should support—

24 (1) the development of a civilian-controlled and
25 centrally-governed standing Afghanistan army that

1 respects human rights and prohibits the use of chil-
2 dren as soldiers or combatants;

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

5 (3) a multinational security force in Afghani-
6 stan.

7 **SEC. 202. AUTHORIZATION OF ASSISTANCE.**

8 (a) TYPES OF ASSISTANCE.—

9 (1) IN GENERAL.—(A) To the extent that funds
10 are appropriated in any fiscal year for the purposes
11 of this Act, the President may provide, on such
12 terms and conditions as he may determine, defense
13 articles, defense services, counter-narcotics, crime
14 control and police training services, and other sup-
15 port (including training) to the Government of Af-
16 ghanistan.

17 (B) To the extent that funds are appropriated
18 in any fiscal year for these purposes, the President
19 may provide, on such terms and conditions as he
20 may determine, defense articles, defense services,
21 and other support (including training) to eligible for-
22 eign countries and eligible international organiza-
23 tions.

1 (C) The assistance authorized under subpara-
2 graph (B) shall be used for directly supporting the
3 activities described in section 203.

4 (2) DRAWDOWN AUTHORITY.—The President is
5 authorized to direct the drawdown of defense arti-
6 cles, defense services, and military education and
7 training for the Government of Afghanistan, eligible
8 foreign countries, and eligible international organiza-
9 tions.

10 (3) AUTHORITY TO ACQUIRE BY CONTRACT OR
11 OTHERWISE.—The assistance authorized under
12 paragraphs (1) and (2) and under Public Law 105–
13 338 may include the supply of defense articles, de-
14 fense services, counter-narcotics, crime control and
15 police training services, other support, and military
16 education and training that are acquired by contract
17 or otherwise.

18 (b) AMOUNT OF ASSISTANCE.—The aggregate value
19 (as defined in section 644(m) of the Foreign Assistance
20 Act of 1961) of assistance provided under subsection
21 (a)(2) may not exceed \$300,000,000, provided that such
22 limitation shall be increased by any amounts appropriated
23 pursuant to the authorization of appropriations in section
24 204(b)(1).

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

3 A foreign country or international organization shall
4 be eligible to receive assistance under section 202 if such
5 foreign country or international organization is partici-
6 pating in or directly supporting United States military ac-
7 tivities authorized under Public Law 107–40 or is partici-
8 pating in military, peacekeeping, or policing operations in
9 Afghanistan aimed at restoring or maintaining peace and
10 security in that country, except that no country the gov-
11 ernment of which has been determined by the Secretary
12 of State to have repeatedly provided support for acts of
13 international terrorism under section 620A of the Foreign
14 Assistance Act of 1961 (22 U.S.C. 2371), section 6(j)(1)
15 of the Export Administration Act of 1979 (50 U.S.C. App.
16 2405(j)(1)), or section 40(d) of the Arms Export Control
17 Act (22 U.S.C. 2780(d)) shall be eligible to receive assist-
18 ance under section 202.

19 **SEC. 204. REIMBURSEMENT FOR ASSISTANCE.**

20 (a) IN GENERAL.—Defense articles, defense services,
21 and military education and training provided under sec-
22 tion 202(a)(2) shall be made available without reimburse-
23 ment to the Department of Defense except to the extent
24 that funds are appropriated pursuant to the authorization
25 of appropriations under subsection (b)(1).

26 (b) AUTHORIZATION OF APPROPRIATIONS.—

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

9 (2) AVAILABILITY.—Amounts appropriated pur-
10 suant to the authorization of appropriations under
11 paragraph (1) are authorized to remain available
12 until expended, and are in addition to amounts oth-
13 erwise available for the purposes described in this
14 title.

15 **SEC. 205. AUTHORITY TO PROVIDE ASSISTANCE.**

16 (a) GOVERNMENT OF AFGHANISTAN.—Assistance to
17 the Government of Afghanistan under this title may be
18 provided notwithstanding any other provision of law.

19 (b) ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE
20 INTERNATIONAL ORGANIZATIONS.—

21 (1) AUTHORITY.—The President may provide
22 assistance under this title to any eligible foreign
23 country or eligible international organization not-
24 withstanding any other provision of law (other than
25 provisions of this title) if the President determines

1 that such assistance is important to the national se-
2 curity interest of the United States and notifies the
3 Committee on International Relations of the House
4 of Representatives and the Committee on Foreign
5 Relations of the Senate of such determination at
6 least 15 days in advance of providing such assist-
7 ance.

8 (2) NOTIFICATION.—The report described in
9 paragraph (1) shall include information relating to
10 the type and amount of assistance proposed to be
11 provided and the actions that the proposed recipient
12 of such assistance has taken or has committed to
13 take.

14 **SEC. 206. PROMOTING SECURE DELIVERY OF HUMANI-**
15 **TARIAN AND OTHER ASSISTANCE IN AFGHAN-**
16 **ISTAN.**

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

18 (1) The President has declared his view that
19 the United States should provide significant assist-
20 ance to Afghanistan so that it never again becomes
21 a haven for terrorism.

22 (2) The delivery of humanitarian and recon-
23 struction assistance from the international commu-
24 nity is necessary for the safe return of refugees and
25 is critical to the future stability of Afghanistan.

1 (3) Enhanced stability in Afghanistan through
2 an improved security environment is critical to the
3 fostering of the Afghan Interim Authority and the
4 traditional Afghan assembly or “Loya Jirga” proc-
5 ess, which is intended to lead to a permanent na-
6 tional government in Afghanistan, and also is essen-
7 tial for the participation of women in Afghan soci-
8 ety.

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

16 (5) The violence and lawlessness may jeopardize
17 the “Loya Jirga” process, undermine efforts to build
18 a strong central government, severely impede recon-
19 struction and the delivery of humanitarian assist-
20 ance, and increase the likelihood that parts of Af-
21 ghanistan will once again become safe havens for
22 Al-Qaeda, Taliban forces, and drug traffickers.

23 (6) The lack of security and lawlessness may
24 also perpetuate the need for United States Armed

1 Forces in Afghanistan and threaten the ability of
2 the United States to meet its military objectives.

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

10 (8) Due to the ongoing military campaign in
11 Afghanistan, the United States does not contribute
12 troops to the International Security Assistance
13 Force but has provided support to other countries
14 that are doing so.

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

21 (10) Because of these immediate security needs,
22 the Afghan Interim Authority, its Chairman, Hamid
23 Karzai, and many Afghan regional leaders have
24 called for the International Security Assistance
25 Force, which has successfully brought stability to

1 Kabul, to be expanded and deployed throughout the
2 country, and this request has been strongly sup-
3 ported by a wide range of international humani-
4 tarian organizations, including the International
5 Committee of the Red Cross, Catholic Relief Serv-
6 ices, and Refugees International.

7 (11)(A) On January 29, 2002, the President
8 stated that “[w]e will help the new Afghan govern-
9 ment provide the security that is the foundation of
10 peace”.

11 (B) On March 25, 2002, the Secretary of De-
12 fense stated, with respect to the reconstruction of
13 Afghanistan, that “the first thing . . . you need for
14 anything else to happen, for hospitals to happen, for
15 roads to happen, for refugees to come back, for peo-
16 ple to be fed and humanitarian workers to move on
17 the country . . . [y]ou’ve got to have security”.

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

1 (c) PREPARATION OF STRATEGY.—Not later than 45
2 days after the date of the enactment of this Act, the Presi-
3 dent shall transmit to the Committee on International Re-
4 lations and the Committee on Appropriations of the House
5 of Representatives and the Committee on Foreign Rela-
6 tions and the Committee on Appropriations of the Senate
7 a strategy for meeting the immediate and long-term secu-
8 rity needs of Afghanistan in order to promote safe and
9 effective delivery of humanitarian and other assistance
10 throughout Afghanistan, further the rule of law and civil
11 order, and support the formation of a functioning, rep-
12 resentative Afghan national government.

13 **SEC. 207. SUNSET.**

14 The authority of this title shall expire on December
15 31, 2004.

16 **TITLE III—ADDITIONAL RE-**
17 **QUIREMENTS WITH RESPECT**
18 **TO ASSISTANCE FOR AFGHAN-**
19 **ISTAN**

20 **SEC. 301. PROHIBITION ON UNITED STATES INVOLVEMENT**
21 **IN POPPY CULTIVATION OR ILLICIT NAR-**
22 **COTICS GROWTH, PRODUCTION, OR TRAF-**
23 **FICKING.**

24 No officer or employee of any Federal department or
25 agency who is involved in the provision of assistance under

1 this Act may knowingly encourage or participate in poppy
2 cultivation or illicit narcotics growth, production, or traf-
3 ficking in Afghanistan. No United States military or civil-
4 ian aircraft or other United States vehicle that is used
5 with respect to the provision of assistance under this Act
6 may be used to facilitate the distribution of poppies or
7 illicit narcotics in Afghanistan.

8 **SEC. 302. REQUIREMENT TO REPORT BY CERTAIN UNITED**
9 **STATES OFFICIALS.**

10 (a) REQUIREMENT.—An officer or employee of any
11 Federal department or agency involved in the provision of
12 assistance under this Act and having knowledge of facts
13 or circumstances that reasonably indicate that any agency
14 or instrumentality of the Government of Afghanistan, or
15 any other individual (including an individual who exercises
16 civil power by force over a limited region) or organization
17 in Afghanistan, that receives assistance under this Act is
18 involved in poppy cultivation or illicit narcotics growth,
19 production, or trafficking shall, notwithstanding any
20 memorandum of understanding or other agreement to the
21 contrary, report such knowledge or facts to the appro-
22 priate official.

23 (b) DEFINITION.—In this section, the term “appro-
24 priate official” means the Attorney General, the Inspector

1 General of the Federal department or agency involved, or
2 the head of such department or agency.

3 **SEC. 303. REPORT BY THE PRESIDENT.**

4 Not later than 6 months after the date of the enact-
5 ment of this Act, and annually thereafter, the President
6 shall transmit to Congress a written report on the
7 progress of the Government of Afghanistan toward the
8 eradication of poppy cultivation, the disruption of heroin
9 production, and the reduction of the overall supply and
10 demand for illicit narcotics in Afghanistan in accordance
11 with the provisions of this Act.

Passed the House of Representatives May 21, 2002.

Attest:

Clerk.