

AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

[Public Law 107–327]

[As Amended Through P.L. 108-458, Enacted December 17, 2004]

【Currency: This publication is a compilation of the text of Public Law 107–327. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.¹ SHORT TITLE; TABLE OF CONTENTS; DEFINITION.

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

(b)² TABLE OF CONTENTS.—The table of contents for 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.

¹22 U.S.C. 7501 note.

²Sec. 7104(j)(3) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108–458; 118 Stat. 3638) redesignated secs. 207 and 208 as secs. 208 and 209, respectively, and added a new sec. 207 to the table of contents. Sec. 7104(e)(4)(B) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108–458; 118 Stat. 3638) added sec. 305 to the table of contents.

Sec. 101 **AFGHANISTAN FREEDOM SUPPORT (P.L. 107–327)** **2**

- 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. Sense of Congress and report regarding counterdrug efforts in Afghanistan.
 Sec. 208. Relationship to other authority.
 Sec. 209. 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.
 Sec. 304. Reports.
 Sec. 305. Formulation of long-term strategy for Afghanistan.

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

- (1) the government of any political subdivision of Afghanistan; and
- (2) any agency or instrumentality of the Government of Afghanistan.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN**SEC. 101.⁴ DECLARATION OF POLICY.**

Congress makes the following declarations:

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

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict, the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region do not threaten or interfere in one another’s sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development im-

³ 22 U.S.C. 7501.

⁴ 22 U.S.C. 7511.

peratives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

SEC. 102.⁵ PURPOSES OF ASSISTANCE.

The purposes of assistance authorized by this title are—

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

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

(3) to fight the production and flow of illicit narcotics, to control the flow of precursor chemicals used in the production of heroin, and to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and related activities;

(4) to help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women, including authorizing assistance for the rehabilitation and reconstruction of Afghanistan with a particular emphasis on meeting the educational, health, and sustenance needs of women and children to better enable their full participation in Afghan society;

(5) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

(6) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multi-ethnic, gender-sensitive, fully representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future;

(7) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan;

(8) to provide resources to the Ministry for Women's Affairs of Afghanistan to carry out its responsibilities for legal

⁵ 22 U.S.C. 7512.

advocacy, education, vocational training, and women's health programs; and

(9) to foster the growth of a pluralistic society that promotes and respects religious freedom.

SEC. 103.⁶ AUTHORIZATION OF ASSISTANCE.

(a) **IN GENERAL.**—Notwithstanding any other⁷ provision of law, the President is authorized to provide assistance for Afghanistan for the following activities:

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

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

(B) clean drinking water and sanitation;

(C) preventative health care, including childhood vaccination, therapeutic feeding, maternal child health services, and infectious diseases surveillance and treatment;

(D) family tracing and reunification services; and

(E) clearance of landmines and other unexploded ordnance.

(2) **REPATRIATION AND RESETTLEMENT OF REFUGEES AND INTERNALLY DISPLACED PERSONS.**—To assist refugees and internally displaced persons as they return to their home communities in Afghanistan and to support their reintegration into those communities, including assistance such as—

(A) assistance identified in paragraph (1);

(B) assistance to communities, including those in neighboring countries, that have taken in large numbers of refugees in order to rehabilitate or expand social, health, and educational services that may have suffered as a result of the influx of large numbers of refugees;

(C) assistance to international organizations and host governments in maintaining security by screening refugees to ensure the exclusion of armed combatants, members of foreign terrorist organizations, and other individuals not eligible for economic assistance from the United States; and

(D) assistance for voluntary refugee repatriation and reintegration inside Afghanistan and continued assistance to those refugees who are unable or unwilling to return, and humanitarian assistance to internally displaced persons, including those persons who need assistance to return to their homes, through the United Nations High Commissioner for Refugees and other organizations charged with providing such assistance.

(3) **COUNTERNARCOTICS EFFORTS.**—(A) To assist in the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan and the region, with particular emphasis on assistance to—

⁶22 U.S.C. 7513.

⁷Sec. 7104(e)(1)(B) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “section 512 of Public Law 107-115 or any other similar” and inserted in lieu thereof “any other”.

(i) eradicate opium poppy, promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers,⁸ purchase nonopium products from farmers in opium-growing areas, quick-impact public works programs to divert labor from narcotics production, develop projects directed specifically at narcotics production, processing, or trafficking areas to provide incentives to cooperation in narcotics suppression activities, and related programs;

(ii) establish or provide assistance to one or more entities within the Government of Afghanistan, including the Afghan State High Commission for Drug Control, and to provide training and equipment for the entities, to help enforce counternarcotics laws in Afghanistan and limit illicit narcotics growth, production, and trafficking in Afghanistan, and to create special counternarcotics courts, prosecutors, and places of incarceration;⁹

(iii) train and provide equipment for customs, police, and other border control entities in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdiction to help disrupt heroin production in Afghanistan and the region, in particular, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units;¹⁰

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

(v) reduce demand for illicit narcotics among the people of Afghanistan, including refugees returning to Afghanistan; and¹¹

(vi)¹¹ assist the Afghan National Army with respect to any of the activities under this paragraph.

⁸Sec. 7104(j)(1)(A) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “establish crop substitution programs,” and inserted in lieu thereof “promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers.”

⁹Sec. 7104(j)(1)(B) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) inserted “, and to create special counternarcotics courts, prosecutors, and places of incarceration”.

¹⁰Sec. 7104(j)(1)(C) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) inserted “, in particular, notwithstanding section 660 of the Foreign Assistance Act of 1961 (22 U.S.C. 2420), by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units”.

¹¹Sec. 7104(j)(1)(D) through (F) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “and” at the end of clause (iv); replaced a period at the end of clause (v) with “; and”; and added a new clause (vi).

(B) For each of the fiscal years 2003 through 2006, \$15,000,000 is authorized to be appropriated to the President to be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in clauses (i) through (v) of subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such purposes.

(4) REESTABLISHMENT OF FOOD SECURITY, REHABILITATION OF THE AGRICULTURE SECTOR, IMPROVEMENT IN HEALTH CONDITIONS, AND THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.— To assist in expanding access to markets in Afghanistan, to increase the availability of food in markets in Afghanistan, to rehabilitate the agriculture sector in Afghanistan by creating jobs for former combatants, returning refugees, and internally displaced persons, to improve health conditions, and assist in the rebuilding of basic infrastructure in Afghanistan, including assistance such as—

(A) rehabilitation of the agricultural infrastructure, including irrigation systems and rural roads;

(B) extension of credit;

(C) provision of critical agricultural inputs, such as seeds, tools, and fertilizer, and strengthening of seed multiplication, certification, and distribution systems;

(D) improvement in the quantity and quality of water available through, among other things, rehabilitation of existing irrigation systems and the development of local capacity to manage irrigation systems;

(E) livestock rehabilitation through market development and other mechanisms to distribute stocks to replace those stocks lost as a result of conflict or drought;

(F) mine awareness and demining programs and programs to assist mine victims, war orphans, and widows;

(G) programs relating to infant and young child feeding, immunizations, vitamin A supplementation, and prevention and treatment of diarrheal diseases and respiratory infections;

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

(I) programs to improve hygienic and sanitation practices and for the prevention and treatment of infectious diseases, such as tuberculosis and malaria;

(J) programs to reconstitute the delivery of health care, including the reconstruction of health clinics or other basic health infrastructure, with particular emphasis on health care for children who are orphans;

(K) programs for housing (including repairing homes damaged during military operations), rebuilding urban infrastructure, and supporting basic urban services;¹²

(L) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers; and¹²

¹²Sec. 7104(f)(3) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “and” at the end of subpara. (K); replaced a period with “; and” at the end of subpara. (L); and added subpara. (M).

(M)¹² assistance in identifying and surveying key road and rail routes that are essential for economic renewal in Afghanistan and the region and support for the establishment of a customs service and training for customs officers.

(5)¹³ EDUCATION, THE RULE OF LAW, AND RELATED ISSUES.—

(A) EDUCATION.—To assist in the development of the capacity of the Government of Afghanistan to provide education to the people of Afghanistan, including assistance such as—

(i) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children, especially orphans;

(ii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iii) programs to enable the Government of Afghanistan to develop school curricula that incorporate relevant information such as landmine awareness,

¹³ Sec. 7104(f)(2) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) amended and restated para. (5). It previously read as follows:

“(5) REESTABLISHMENT OF AFGHANISTAN AS A VIABLE NATION-STATE.—(A) To assist in the development of the capacity of the Government of Afghanistan to meet the needs of the people of Afghanistan through, among other things, support for the development and expansion of democratic and market-based institutions, including assistance such as—

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

“(ii) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children who are orphans, with particular emphasis on basic education for children;

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

“(iv) programs to enable the Government of Afghanistan to develop school curriculum that incorporates relevant information such as landmine awareness, food security and agricultural education, human rights awareness, including religious freedom, and civic education;

“(v) support for the activities of the Government of Afghanistan to draft a new constitution, other legal frameworks, and other initiatives to promote the rule of law in Afghanistan, including the recognition of religious freedom in the constitution and other legal frameworks;

“(vi) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance;

“(vii) support for an independent media;

“(viii) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels;

“(ix) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring;

“(x) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities;

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

“(xii) support for the effective administration of justice at the national, regional, and local levels, including the establishment of a responsible and community-based police force;

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

“(xiv) assistance in identifying and surveying key road and rail routes essential for economic renewal in Afghanistan and the region, support in reconstructing those routes, and support for the establishment of a customs service and training for customs officers.

“(B) For each of the fiscal years 2003 through 2005, \$10,000,000 is authorized to be appropriated to the President to be made available for the purposes of carrying out a traditional Afghan assembly or “Loya Jirga” and for support for national, regional, and local elections and political party development under subparagraph (A)(xi).”

food security and agricultural education, civic education, and human rights education, including education relating to religious freedom;

(iv) programs to construct, renovate, or rebuild, and to equip and provide teacher training, for primary schools, secondary schools, and universities; and

(v) programs to increase educational exchanges and partnerships between the United States and Afghanistan.

(B) RULE OF LAW.—To assist in the development of the rule of law and good governance and reduced corruption in Afghanistan, including assistance such as—

(i) support for the activities of the Government of Afghanistan to implement its constitution, to develop modern legal codes and court rules, to provide for the creation of legal assistance programs, and other initiatives to promote the rule of law in Afghanistan;

(ii) support for improvements in the capacity and physical infrastructure of the justice system in Afghanistan, such as for professional training (including for women) to improve the administration of justice, for programs to enhance prosecutorial and judicial capabilities and to protect participants in judicial cases, for improvements in the instruction of law enforcement personnel (including human rights training), and for the promotion of civilian police roles that support democracy;

(iii) support for rehabilitation and rebuilding of courthouses and detention facilities;

(iv) support for the effective administration of justice at the national, regional, and local levels, including programs to improve penal institutions and the rehabilitation of prisoners, and to establish a responsible and community-based police force;

(v) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance, such as the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public office, and transparent budgeting processes and financial management systems;

(vi) support for establishment of a central bank and central budgeting authority;

(vii) support for international organizations that provide civil advisers to the Government of Afghanistan; and

(viii) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities.

(C) CIVIL SOCIETY AND DEMOCRACY.—To support the development of democratic institutions in Afghanistan, including assistance for—

- (i) international monitoring and observing of, and the promotion of, free and fair elections;
- (ii) strengthening democratic political parties;
- (iii) international exchanges and professional training for members or officials of government, political, and civic or other nongovernmental entities;
- (iv) national, regional, and local elections and political party development;
- (v) an independent media;
- (vi) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels; and
- (vii) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring.

(D) PROTECTION OF SITES.—To provide for the protection of Afghanistan's culture, history, and national identity, including the rehabilitation of Afghanistan's museums and sites of cultural significance.

(6) MARKET ECONOMY.—To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic telecommunication infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

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

(B) establish financial institutions, including credit unions, cooperatives, and other entities providing micro-enterprise credits and other income-generation programs for the poor, with particular emphasis on women;

(C) facilitate expanded trade with countries in the region;

(D) promote and foster respect for basic workers' rights and protections against exploitation of child labor;

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

(F) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

(7) ASSISTANCE TO WOMEN AND GIRLS.—

(A) ASSISTANCE OBJECTIVES.—To assist women and girls in Afghanistan in the areas of political and human rights, health care, education, training, security, and shelter, with particular emphasis on assistance—

- (i) to support construction of, provide equipment and medical supplies to, and otherwise facilitate the establishment and rehabilitation of, health care facili-

ties in order to improve the health care of women, children, and infants;

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

(iii) to establish, maintain, and expand primary and secondary schools for girls that include mathematics, science, and languages in their primary curriculum;

(iv) to develop and expand technical and vocational training programs and income-generation projects for women;

(v) to provide special educational opportunities for girls whose schooling was ended by the Taliban, and to support the ability of women to have access to higher education;

(vi) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination in the delivery of humanitarian supplies and services;

(vii) to provide emergency shelters for women and girls who face danger from violence;

(viii) to direct humanitarian assistance to widows, who make up a very large and needy population in war-torn Afghanistan;

(ix) to support the work of women-led and local nongovernmental organizations with demonstrated experience in delivering services to Afghan women and children;

(x) to disseminate information throughout Afghanistan on the rights of women and on international standards of human rights, including the rights of religious freedom, freedom of expression, and freedom of association;

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

(xii) to support the Afghan Independent¹⁴ Human Rights Commission in programs to promote women's rights and human rights, including the rights of religious freedom, freedom of expression, and freedom of association, and in the investigation and monitoring of women's rights and human rights abuses.

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

(i) \$15,000,000 is authorized to be appropriated to the President to be made available to the Afghan Ministry of Women's Affairs; and

(ii) \$5,000,000 is authorized to be appropriated to the President to be made available to the National Human Rights Commission of Afghanistan.

¹⁴Sec. 7104(k)(2) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out "National" and inserted in lieu thereof "Afghan Independent".

(C) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under subparagraph (B) are in addition to amounts otherwise available for such purposes.

(b) LIMITATION.—

(1) IN GENERAL.—Amounts made available to carry out this title (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of subsection (a)) may be provided only if the President first determines and certifies to Congress with respect to the fiscal year involved that progress is being made toward adopting a constitution and establishing a democratically elected government for Afghanistan that respects human rights.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the application of paragraph (1) if the President first determines and certifies to Congress that it is important to the national interest of the United States to do so.

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include a written explanation of the basis for the determination of the President to waive the application of paragraph (1).

(c) ENTERPRISE FUND.—

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

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d)¹⁵ MONITORING OF ASSISTANCE FOR AFGHANISTAN.—

(1) REPORT.—

(A) IN GENERAL.—The Secretary of State, in consultation with the Administrator for the United States Agency for International Development, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the obligations of United States assistance for Afghanistan from all United States Government departments and agencies.

(B) CONTENTS.—Each such report shall set forth, for the preceding annual period and cumulatively, a description of—

(i) the activities and the purposes for which funds were obligated;

¹⁵Sec. 7104(g) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) added subsec. (d).

- (ii) the source of the funds stated specifically by fiscal year, agency, and program;
- (iii) the participation of each United States Government department or agency; and
- (iv) such other information as the Secretary considers appropriate to fully inform Congress on such matters.

(C) **ADDITIONAL REQUIREMENTS.**—The first report submitted under this paragraph shall include a cumulative account of information described in subparagraph (B) from all prior periods beginning with fiscal year 2001. The first report under this paragraph shall be submitted not later than March 15, 2005. Subsequent reports shall be submitted every 12 months thereafter and may be included in the report required under section 206(c)(2).

(2) **SUBMISSION OF INFORMATION FOR REPORT.**—The head of each United States Government agency referred to in paragraph (1) shall provide on a timely basis to the Secretary of State such information as the Secretary may reasonably require to allow the Secretary to prepare and submit the report required under paragraph (1).

SEC. 104.¹⁶ **COORDINATION OF ASSISTANCE.**

(a) **IN GENERAL.**—The President shall¹⁷ designate, within the Department of State, a coordinator who shall be responsible for—

- (1) designing an overall strategy to advance United States interests in Afghanistan;
- (2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this title;
- (3) pursuing coordination with other countries and international organizations with respect to assistance to Afghanistan;
- (4) ensuring that United States assistance programs for Afghanistan are consistent with this title;
- (5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan; and
- (6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for Afghanistan.

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

(c)¹⁸ **ASSISTANCE PLAN.**—

(1) **SUBMISSION TO CONGRESS.**—The coordinator designated under subsection (a) shall annually submit the Afghanistan assistance plan of the Administration to—

- (A) the Committee on Foreign Relations of the Senate;

¹⁶ 22 U.S.C. 7514.

¹⁷ Sec. 7104(c)(2) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “is strongly urged to” and inserted in lieu thereof “shall”.

¹⁸ Sec. 7104(d) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) added subsecs. (c) and (d).

- (B) the Committee on International Relations of the House of Representatives;
- (C) the Committee on Appropriations of the Senate;
- and
- (D) the Committee on Appropriations of the House of Representatives.
- (2) CONTENTS.—The assistance plan submitted under paragraph (1) shall describe—
- (A) how the plan relates to the strategy provided pursuant to section 304; and
- (B) how the plan builds upon United States assistance provided to Afghanistan since 2001.
- (d) ¹⁸ COORDINATION WITH INTERNATIONAL COMMUNITY.—
- (1) IN GENERAL.—The coordinator designated under subsection (a) shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste.
- (2) INTERNATIONAL FINANCIAL INSTITUTIONS.—The coordinator designated under subsection (a), under the direction of the Secretary of State, shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in section 1701(c)(2) of the International Financial Institutions Act (22 U.S.C. 262r(c)(2))) to coordinate United States assistance for Afghanistan with international financial institutions.

SEC. 105. ¹⁹ SENSE OF CONGRESS REGARDING PROMOTING COOPERATION IN OPIUM PRODUCING AREAS.

It is the sense of Congress that the President should—

- (1) to the extent practicable, under such procedures as the President may prescribe, withhold United States bilateral assistance from, and oppose multilateral assistance to, opium-producing areas of Afghanistan if, within such areas, appropriate cooperation is not provided to the United States, the Government of Afghanistan, and international organizations with respect to the suppression of narcotics cultivation and trafficking, and if withholding such assistance would promote such cooperation;
- (2) redistribute any United States bilateral assistance (and to promote the redistribution of any multilateral assistance) withheld from an opium-producing area to other areas with respect to which assistance has not been withheld as a consequence of this section; and
- (3) define or redefine the boundaries of opium producing areas of Afghanistan for the purposes of this section.

SEC. 106. ²⁰ ADMINISTRATIVE PROVISIONS.

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

¹⁹ 22 U.S.C. 7515.

²⁰ 22 U.S.C. 7516.

authorities apply to the provision of economic assistance under part I of such Act.

(b) **USE OF THE EXPERTISE OF AFGHAN-AMERICANS.**—In providing assistance authorized by this title, the President should—

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

(2) in the awarding of contracts and grants to implement activities authorized under this title, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(c) **DONATIONS OF MANUFACTURING EQUIPMENT; USE OF COLLEGES AND UNIVERSITIES.**—In providing assistance authorized by this title, the President, to the maximum extent practicable, should—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

(d) **ADMINISTRATIVE EXPENSES.**—Of the funds made available to carry out the purposes of assistance authorized by this title in any fiscal year, up to 7 percent may be used for administrative expenses of Federal departments and agencies in connection with the provision of such assistance.

(e) **MONITORING.**—

(1) **COMPTROLLER GENERAL.**—The Comptroller General shall monitor the provision of assistance under this title.

(2) **INSPECTOR GENERAL OF USAID.**—The Inspector General of the United States Agency for International Development shall conduct audits, inspections, and other activities, as appropriate, associated with the expenditure of the funds to carry out this title.

(f) **PRIORITY FOR DIRECT ASSISTANCE TO THE GOVERNMENT OF AFGHANISTAN.**—To the maximum extent practicable, assistance authorized under this title should be provided directly to the Government of Afghanistan (including any appropriate ministry thereof).

SEC. 107.²¹ RELATIONSHIP TO OTHER AUTHORITY.

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

SEC. 108.²² AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—There is authorized to be appropriated to the President to carry out this title (other than section 103(c)) such sums as may be necessary for each of the fiscal years 2005 and 2006.²³

(b) **AVAILABILITY.**—Amounts appropriated pursuant to the au-

²¹ 22 U.S.C. 7517.

²² 22 U.S.C. 7518.

²³ Sec. 7104(m) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “\$1,825,000,000 for fiscal year 2004 and

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

- (1) authorized to remain available until expended; and
- (2) in addition to funds otherwise available for such purposes, including, with respect to food assistance under section 103(a)(1), funds available under title II of the Agricultural Trade Development and Assistance Act of 1954, the Food for Progress Act of 1985, and section 416(b) of the Agricultural Act of 1949.

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

SEC. 201.²⁴ SUPPORT FOR SECURITY DURING TRANSITION IN AFGHANISTAN.

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

- (1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights and prohibits the use of children as soldiers or combatants;
- (2) the creation and training of a professional civilian police force that respects human rights; and
- (3) a multinational security force in Afghanistan.

SEC. 202.²⁵ AUTHORIZATION OF ASSISTANCE.

(a) DRAWDOWN AUTHORITY.—

(1) IN GENERAL.—The President is authorized to exercise his authorities under section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318) to direct the drawdown of defense articles, defense services, and military education and training—

- (A) for the Government of Afghanistan, in accordance with this section; and
- (B) for eligible foreign countries, and eligible international organizations, in accordance with this section and sections 203 and 205.

(2) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraph (1) may include

\$425,000,000 for each of fiscal years 2005 and 2006.” and inserted in lieu thereof “such sums as may be necessary for each of the fiscal years 2005 and 2006.”. Previously, sec. 2214 of Public Law 108-106 (117 Stat. 1232) struck out “\$425,000,000 for each of the fiscal years 2003 through 2006” and inserted in lieu thereof “\$1,825,000,000 for fiscal year 2004 and \$425,000,000 for each of fiscal years 2005 and 2006”.

²⁴ 22 U.S.C. 7531.

²⁵ 22 U.S.C. 7532.

Pursuant to sec. 506 of the Foreign Assistance Act of 1961 (Public Law 87-195) and sec. 202 of this Act, on February 13, 2003, the President directed “the drawdown of up to \$165 million of defense articles, defense services, and military education and training from the Department of Defense, \$158 million for the Transitional Islamic State of Afghanistan, and \$7 million to Jordan to assist in its operations in Afghanistan, and further have determined, in accordance with section 205 of the [Afghanistan Freedom Support] Act, that such assistance to Jordan is important to the national security interests of the United States.” (Presidential Determination No. 2003-15; 68 F.R. 10651).

Pursuant to sec. 506 of the Foreign Assistance Act of 1961 and sec. 202 of this Act, on December 16, 2003, the President directed “the drawdown of up to \$135 million of defense articles, defense services, and military education and training from the Department of Defense for the Transitional Islamic State of Afghanistan.” (Presidential Determination No. 2004-15; 68 F.R. 75385).

the supply of defense articles, defense services, counter-narcotics, crime control and police training services, other support, and military education and training that are acquired by contract or otherwise.

(b) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under subsection (a) may not exceed \$550,000,000,²⁶ except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1) and shall not count toward any limitation contained in section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

SEC. 203.²⁷ ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

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

(1) such country or organization is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country; and

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

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

SEC. 204.²⁸ REIMBURSEMENT FOR ASSISTANCE.

(a) IN GENERAL.—Defense articles, defense services, and military education and training provided under section 202(a)(2) shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations in subsection (b)(1).

(b) AUTHORIZATION OF APPROPRIATIONS.—

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

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to amounts otherwise available for the purposes described in this title.

²⁶ Sec. 9008 of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1008) struck out “\$450,000,000” and inserted in lieu thereof “\$550,000,000”. Previously, sec. 2206 of Public Law 108-106 (117 Stat. 1231) struck out “\$300,000,000” and inserted in lieu thereof “\$450,000,000”.

²⁷ 22 U.S.C. 7533.

²⁸ 22 U.S.C. 7534.

SEC. 205.²⁹ CONGRESSIONAL NOTIFICATION REQUIREMENTS.

(a) **AUTHORITY.**—The President may provide assistance under this title to any eligible foreign country or eligible international organization if the President determines that such assistance is important to the national security interest of the United States and notifies the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such determination at least 15 days in advance of providing such assistance.

(b) **NOTIFICATION.**—The report described in subsection (a) shall be submitted in classified and unclassified form and shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

SEC. 206.³⁰ PROMOTING SECURE DELIVERY OF HUMANITARIAN AND OTHER ASSISTANCE IN AFGHANISTAN AND EXPANSION OF THE INTERNATIONAL SECURITY ASSISTANCE FORCE.

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

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it is no longer a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the functioning of the Government of Afghanistan and the traditional Afghan assembly or “Loya Jirga” process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5)(A) On July 6, Vice President Haji Abdul Qadir was assassinated in Kabul by unknown assailants.

(B) On September 5, 2002, a car bomb exploded in Kabul killing 32 and injuring 150 and on the same day a member of Kandahar Governor Sherzai’s security team attempted to assassinate President Karzai.

(6) The violence and lawlessness may jeopardize the “Loya Jirga” process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for al-Qaida, Taliban forces, and drug traffickers.

²⁹ 22 U.S.C. 7535.

³⁰ 22 U.S.C. 7536.

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

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

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

(10) The United States is providing political, financial, training, and other assistance to the Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(11) Because of these immediate security needs, the Government of Afghanistan, its President, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

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

(c)³¹ IMPLEMENTATION OF STRATEGY.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall provide the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate with—

(A) a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government, including an update to the strategies submitted pursuant to Public Law 107–206; and

(B) a description of the progress of the Government of Afghanistan toward the eradication of poppy cultivation,

³¹In a memorandum of July 22, 2003, for the Secretary of State, the President submitted a report on “implementation of the strategies for meeting the immediate and long-term security needs of Afghanistan” (68 F.R. 53869).

the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this Act.

(2)³² IMPLEMENTATION OF STRATEGY.—Every 6 months after the enactment of this Act through January 1, 2010,³³ the President shall submit to the congressional committees specified in paragraph (1) a report on the implementation of the strategies for meeting the immediate and long-term security needs of Afghanistan, which shall include the following elements—

(A) since the previous report, the progress in recruiting, training, and deploying an Afghan National Army and police force, including the numbers and ethnic composition of recruits; the number of graduates from military and police training; the numbers of graduates retained by the Afghan National Army and police forces since the previous report; the numbers of graduates operationally deployed and to which areas of the country; the degree to which these graduates are assuming security responsibilities; whether Afghan army and police units are establishing effective central governmental authority over areas of the country, and which areas; and the numbers of instances of armed attacks against Afghan central governmental officials, United States or international officials, troops or aid workers, or between the armed forces of regional leaders;

(B) the degree to which armed regional leaders are cooperating and integrating with the central government, providing security and order within their regions of influence, engaging in armed conflict or other forms of competition that are deleterious to peace, security, and the integration of a unified Afghanistan under the central government;

(C) the amount of humanitarian relief provided since the previous report to returnees, isolated populations and other vulnerable groups, as well as demining assistance and landmine survivors rehabilitation; and the numbers of such persons not assisted since the previous report;

(D) the steps taken since the previous report toward national reconstruction, including establishment of the ministries and other institutions of the Government of Afghanistan;

(E) the numbers of Civil Affairs Teams working with regional leaders, as well as the quick impact infrastructure

³² Sec. 7014(h)(1) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) provides the following:

“(h) UNITED STATES POLICY TO SUPPORT DISARMAMENT OF PRIVATE MILITIAS AND EXPANSION OF INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—

“(1) UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS.—

“(A) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

“(B) REPORT.—The report required under section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) shall include a description of the progress to implement paragraph (1).”

³³ Sec. 7104(k)(1) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “2007” and inserted in lieu thereof “2010”.

projects undertaken by such teams since the previous report;

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

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

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

(1) ³⁴ **EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.**—

(A) **EFFORTS.**—The President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

(B) **REPORTS.**—The President shall prepare and transmit a report on the efforts carried out pursuant to subparagraph (A) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The first report under this subparagraph shall be transmitted not later than 60 days after the date of the enactment of the Afghanistan Freedom Support Act Amendments of 2004 and subsequent reports shall be transmitted every 6 months thereafter and may be included in the report required by subsection (c)(2).

(2) **AUTHORIZATION OF APPROPRIATIONS.**—(A) There is authorized to be appropriated to the President \$500,000,000 for each of fiscal years 2003 and 2004 to support the International Security Assistance Force or the establishment of a similar security force.

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

(C) Funds appropriated pursuant to subparagraph (A) shall be subject to the notification requirements under section 634A of the Foreign Assistance Act of 1961.

³⁴Sec. 7104(i) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) amended and restated para. (1). It formerly read as follows:

“(1) **SENSE OF CONGRESS.**—Congress urges the President, in order to fulfill the objective of establishing security in Afghanistan, to take all appropriate measures to assist Afghanistan in establishing a secure environment throughout the country, including by—

“(A) sponsoring in the United Nations Security Council a resolution authorizing an expansion of the International Security Assistance Force, or the establishment of a similar security force; and

“(B) enlisting the European and other allies of the United States to provide forces for an expansion of the International Security Assistance Force in Afghanistan, or the establishment of a similar security force.”.

(e)³⁵ UNITED STATES POLICY RELATING TO INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS.—It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

SEC. 207.³⁶ SENSE OF CONGRESS AND REPORT REGARDING COUNTER-DRUG EFFORTS IN AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

(b) REPORT REQUIRED.—(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

(A) the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

(2) The report required by this subsection shall be submitted to Congress not later than 120 days after the date of the enactment of the 9/11 Recommendations Implementation Act.

SEC. 208.³⁷ RELATIONSHIP TO OTHER AUTHORITY.

(a) ADDITIONAL AUTHORITY.—The authority to provide assistance under this title is in addition to any other authority to provide assistance to the Government of Afghanistan.

³⁵ Sec. 7104(h)(2) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) added subsec. (e).

³⁶ 22 U.S.C. 7536a. Added by sec. 7104(j)(2)(B) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638).

³⁷ 22 U.S.C. 7537. Originally enacted as sec. 207; redesignated as sec. 208 by sec. 7104(j)(2)(A) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638).

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

SEC. 209.³⁸ **SUNSET.**

The authority of this title shall expire after September 30, 2006.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301.³⁹ **REQUIREMENT TO COMPLY WITH PROCEDURES RELATING TO THE PROHIBITION ON ASSISTANCE TO DRUG TRAFFICKERS.**

Assistance provided under this Act shall be subject to the same provisions as are applicable to assistance under the Foreign Assistance Act of 1961 and the Arms Export Control Act under section 487 of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to drug traffickers; 22 U.S.C. 2291f), and the applicable regulations issued under that section.

SEC. 302.⁴⁰ **SENSE OF CONGRESS REGARDING PROTECTING AFGHANISTAN'S PRESIDENT.**

It is the sense of Congress that—

(1) any United States physical protection force provided for the personal security of the President of Afghanistan should be composed of United States diplomatic security, law-enforcement, or military personnel, and should not utilize private contracted personnel to provide actual physical protection services;

(2) United States allies should be invited to volunteer active-duty military or law enforcement personnel to participate in such a protection force; and

(3) such a protection force should be limited in duration and should be succeeded by qualified Afghan security forces as soon as practicable.

SEC. 303.⁴¹ **DONOR CONTRIBUTIONS TO AFGHANISTAN AND REPORTS.**

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

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States should use all appropriate diplomatic means to encourage all states that have pledged assistance to Afghanistan to deliver as soon as possible the total amount of assistance pledged.

(c) **REPORTS.**—

(1) **IN GENERAL.**—The Secretary of State shall submit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on

³⁸ 22 U.S.C. 7538. Originally enacted as sec. 208; redesignated as sec. 209 by sec. 7104(j)(2)(A) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108–458; 118 Stat. 3638).

³⁹ 22 U.S.C. 7551.

⁴⁰ 22 U.S.C. 7552.

⁴¹ 22 U.S.C. 7553.

International Relations and the Committee on Appropriations of the House of Representatives, in accordance with this paragraph, on the status of contributions of assistance from donor states to Afghanistan. The first report shall be submitted not later than 60 days after the date of enactment of this Act, the second report shall be submitted 90 days thereafter, and subsequent reports shall be submitted every 180 days thereafter through December 31, 2004.

(2) FURTHER REQUIREMENTS.—Each report, which shall be unclassified and posted upon the Department of State’s Internet website, shall include, by donor country, the total amount pledged, the amount delivered within the previous 60 days, the total amount of assistance delivered, the type of assistance and type of projects supported by the assistance.

SEC. 304.⁴² REPORTS.

(a)⁴³ IN GENERAL.—The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the “Purposes of Assistance” set forth in section 102 of this Act utilizing assistance provided by the United States for Afghanistan.

(b)⁴⁴ DEADLINE FOR SUBMISSION.—The first report shall be submitted in conjunction with reports required under section 303 of this title and thereafter through December 31, 2004.

(c)⁴⁵ FORM OF REPORTS.—Any report or other matter that is required to be submitted to Congress (including a committee of Congress) by this Act may contain a classified annex.

SEC. 305.⁴⁶ FORMULATION OF LONG-TERM STRATEGY FOR AFGHANISTAN.

(a) STRATEGY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the President shall formulate a 5-year strategy for Afghanistan and submit such strategy to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on International Relations of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) CONTENTS.—The strategy formulated under paragraph (1) shall include specific and measurable goals for addressing the long-term development and security needs of Afghanistan,

⁴² 22 U.S.C. 7554.

⁴³ Sec. 7104(e)(3)(A) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “The Secretary” and inserted in lieu thereof “(a) IN GENERAL.—The Secretary”.

⁴⁴ Sec. 7104(e)(3)(B) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) struck out “The first report” and inserted in lieu thereof “(b) DEADLINE FOR SUBMISSION.—The first report”.

⁴⁵ Sec. 7104(e)(3)(C) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) added subsec. (c).

⁴⁶ 22 U.S.C. 7555, Sec. 7104(e)(4)(A) of the Afghanistan Freedom Support Act Amendments of 2004 (sec. 7104 of Public Law 108-458; 118 Stat. 3638) added sec. 305.

including sectors such as agriculture and irrigation, parliamentary and democratic development, the judicial system and rule of law, human rights, education, health, telecommunications, electricity, women's rights, counternarcotics, police, border security, anti-corruption, and other law-enforcement activities, as well as the anticipated costs and time frames associated with achieving those goals.

(b) MONITORING.—

(1) ANNUAL REPORT.—The President shall transmit on an annual basis through 2010 a report describing the progress made toward the implementation of the strategy required by subsection (a) and any changes to the strategy since the date of the submission of the last report to—

- (A) the Committee on Foreign Relations of the Senate;
- (B) the Committee on International Relations of the House of Representatives;
- (C) the Committee on Appropriations of the Senate;
- and
- (D) the Committee on Appropriations of the House of Representatives.