

107TH CONGRESS
1ST SESSION

H. R. 3049

To contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 5, 2001

Mr. GILMAN (for himself, Mr. MENENDEZ, Mr. ROHRABACHER, and Mr. ROYCE) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To contribute to the defense of the United States against future terrorist attack by providing for the removal from power of the Taliban regime in Afghanistan.

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

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “Afghanistan Freedom
5 Act of 2001”.

6 SEC. 2. FINDINGS.

7 Congress makes the following findings:

8 (1) The rise to power of the Taliban in Afghani-
9 stan has caused a drastic decline in the human, po-

1 litical, and civil rights of the Afghan people, particu-
2 larly among women, girls, and ethnic minorities.

3 (2) In the year 2001, millions of Afghans are
4 on the verge of starvation, the largest such group in
5 the world.

6 (3) The United States is the single largest
7 donor of humanitarian assistance to Afghanistan, to-
8 taling more than \$185,000,000 in fiscal year 2001.

9 (4) There are approximately 2,000,000 Afghan
10 refugees in Pakistan, 1,500,000 Afghan refugees in
11 Iran, and 1,000,000 internally displaced persons in
12 Afghanistan, most fleeing oppression, violence, and
13 economic hardship.

14 (5) During the period of Taliban rule, Afghani-
15 stan has become the world's largest source of illegal
16 opium, and proceeds from the sale of raw opium to
17 drug traffickers are used by the Taliban to finance
18 its war on the Afghan people.

19 (6) Under Taliban rule, Afghanistan has be-
20 come a training ground, operational base, and safe
21 haven for terrorists and international terrorist orga-
22 nizations, many of whom gain experience fighting
23 alongside Taliban forces inside Afghanistan prior to
24 conducting terrorist operations outside Afghanistan.

(7) The Taliban have, since 1996, harbored and protected terrorist leader Osama bin Laden and members of his terrorist al Qaeda network.

24 (10) As a result of the Taliban's failure to com-
25 ply with the demands of the United States and the

1 United Nations Security Council, Osama bin Laden
2 and his al Qaeda network were able to orchestrate
3 from Afghanistan the September 11, 2001, terrorist
4 attack on the United States in which approximately
5 6,000 Americans and foreign nationals were mur-
6 dered.

7 (11) The Taliban have, since the September
8 11th attack on the United States, rejected all en-
9 treaties by the United States and other governments
10 to surrender Osama bin Laden, close down inter-
11 national terrorist operations in Afghanistan, and
12 comply with the other demands that have been made
13 by the United Nations Security Council.

14 (12) Afghanistan is an ethnically diverse nation
15 that can prosper only under a representative govern-
16 ment that affords all citizens of that nation their
17 basic human rights, restores peace and security,
18 eradicates the drug trade, and brings all terrorists
19 and terrorist organizations in Afghanistan to justice.

20 **SEC. 3. UNITED STATES POLICY TOWARD AFGHANISTAN.**

21 It shall be the policy of the United States to promote
22 the removal from power of the Taliban regime in Afghani-
23 stan so as to diminish the risk of future terrorist attack
24 on the United States and restore basic human freedoms
25 to the people of Afghanistan.

1 **SEC. 4. MILITARY ASSISTANCE TO AFGHAN RESISTANCE**2 **ORGANIZATIONS.**3 (a) AUTHORITY TO PROVIDE MILITARY ASSIST-
4 ANCE.—5 (1) TYPES OF ASSISTANCE.—The President is
6 authorized to direct the drawdown of defense articles
7 from the stocks of the Department of Defense, de-
8 fense services of the Department of Defense, and
9 military education and training for eligible Afghan
10 resistance organizations.11 (2) AMOUNT OF ASSISTANCE.—The aggregate
12 value (as defined in section 644(m) of the Foreign
13 Assistance Act of 1961) of assistance provided under
14 paragraph (1) may not exceed \$300,000,000.15 (b) ELIGIBLE AFGHAN RESISTANCE ORGANIZA-
16 TIONS.—An Afghan resistance organization shall be eligi-
17 ble to receive assistance under subsection (a) if the Presi-
18 dent determines and reports to the appropriate congres-
19 sional committees that such organization, or coalition of
20 organizations, is committed to—21 (1) the removal from power of the Taliban re-
22 gime in Afghanistan;23 (2) preservation of the territorial integrity and
24 political independence of Afghanistan;25 (3) respect for internationally recognized
26 human rights; and

1 (4) the suppression of terrorism in all of its
2 forms and the surrender to justice of all inter-
3 national terrorists in Afghanistan, including per-
4 petrators of the September 11, 2001, attack on the
5 United States.

6 (c) REIMBURSEMENT FOR ASSISTANCE.—

14 (2) AUTHORIZATION OF APPROPRIATIONS.—

15 (A) IN GENERAL.—There are authorized to
16 be appropriated to the President for fiscal year
17 2002 such sums as may be necessary to reim-
18 burse the applicable appropriation, fund, or ac-
19 count for the value (as defined in section
20 644(m) of the Foreign Assistance Act of 1961)
21 of defense articles, defense services, or military
22 education and training provided under sub-
23 section (a).

24 (B) AVAILABILITY.—Amounts appro-
25 priated pursuant to the authorization of appro-

1 priations under subparagraph (A) are author-
2 ized to remain available until expended, and are
3 in addition to amounts otherwise available for
4 the purposes described in this section.

5 (e) AUTHORITY TO PROVIDE ASSISTANCE.—Activi-
6 ties under this section may be undertaken notwithstanding
7 any other provision of law.

8 SEC. 5. DISASTER AND HUMANITARIAN ASSISTANCE FOR
9 THE PEOPLE OF AFGHANISTAN.

10 (a) DISASTER AND HUMANITARIAN ASSISTANCE.—
11 Chapter 9 of part I of the Foreign Assistance Act of 1961
12 (22 U.S.C. 2292 et seq.) is amended by adding at the end
13 the following:

14 "SEC. 495L. AFGHAN RELIEF, REHABILITATION, AND RE-
15 CONSTRUCTION.

16 "(a) DECLARATION OF POLICY.—Congress recog-
17 nizes that prompt United States assistance is necessary
18 to alleviate the human suffering of the people of Afghani-
19 stan from four years of extreme drought and 20 years of
20 civil war and to restore the confidence of the people in
21 that country.

22 "(b) ASSISTANCE.—The President is authorized to
23 furnish assistance on such terms and conditions as the
24 President may determine for the relief, rehabilitation and
25 reconstruction needs of the people of Afghanistan, includ-

1 ing displaced persons and other needy people. Assistance
2 provided under this section shall be for humanitarian pur-
3 poses with emphasis on providing food, medicine and med-
4 ical care, clothing, temporary shelter, and transportation
5 for emergency supplies and personnel.

6 “(c) POLICIES AND AUTHORITIES TO BE APPLIED.—
7 (1) Assistance under this section shall be provided in ac-
8 cordance with the policies and general authorities of sec-
9 tion 491.

10 “(2) Assistance under this section or any other provi-
11 sion of law to alleviate the human suffering caused by
12 famine and disease in Afghanistan shall be provided, to
13 the maximum extent practicable, through international
14 agencies, private voluntary organizations, and any eligible
15 Afghan resistance organization.

16 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
17 are authorized to be appropriated to the President to carry
18 out this section \$100,000,000 for each of the fiscal years
19 2002 and 2003. Amounts appropriated pursuant to the
20 authorization of appropriations under the preceding sen-
21 tence are in addition to amounts otherwise available for
22 such purposes and are authorized to remain available until
23 expended.”.

24 (b) OTHER ASSISTANCE FOR AFGHANISTAN.—

15 SEC. 6. ESTABLISHMENT OF RADIO FREE AFGHANISTAN.

16 (a) ESTABLISHMENT.—The Broadcasting Board of
17 Governors is authorized to make grants for surrogate
18 radio broadcasting by RFE/RL, Incorporated (formerly
19 known as Radio Free Europe/Radio Liberty) to the people
20 of Afghanistan in languages spoken in Afghanistan, such
21 broadcasts to be designated “Radio Free Afghanistan”.

22 (b) SUBMISSION OF PLAN TO BROADCASTING BOARD
23 OF GOVERNORS.—Not later than 15 days after the date
24 of the enactment of this Act, RFE/RL, Incorporated, shall
25 submit to the Broadcasting Board of Governors a detailed

1 plan for the establishment of the surrogate radio broad-
2 casting described in subsection (a).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) FISCAL YEARS 2002 AND 2003.—In addition
5 to such sums as are authorized to be appropriated
6 for each of the fiscal years 2002 and 2003 for
7 “International Broadcasting Operations”,
8 \$8,000,000 is authorized to be appropriated for the
9 fiscal year 2002 and \$6,000,000 is authorized to be
10 appropriated for the fiscal year 2003 for “Inter-
11 national Broadcasting Operations” to be available
12 only for the surrogate radio broadcasting described
13 in subsection (a).

14 (2) TRANSMITTER.—Of the amounts authorized
15 to be appropriated by paragraph (1) for the fiscal
16 year 2002, \$1,500,000 shall be available only for a
17 new transmitter for the surrogate radio broadcasting
18 described in subsection (a).

19 **SEC. 7. COMPLIANCE WITH MEASURES DIRECTED AGAINST**
20 **THE TALIBAN BY THE UNITED NATIONS SE-**
21 **CURITY COUNCIL.**

22 (a) REPORTS TO CONGRESS.—Not later than one
23 month after the date of the enactment of this Act, and
24 every three months thereafter until the President deter-
25 mines and reports to the appropriate congressional com-

1 mittees that the Taliban no longer exercises power in any
2 part of Afghanistan, the President shall submit to the ap-
3 propriate congressional committees a report that identifies
4 the government of each foreign country with respect to
5 which there is credible information that the government
6 has, on or after the date of the enactment of this Act,
7 violated, or permitted persons subject to its jurisdiction
8 to violate, measures directed against the Taliban pursuant
9 to United Nations Security Council Resolutions 1267
10 (1999), 1333 (2000), or 1363 (2001), or pursuant to any
11 other United Nations Security Council resolution adopted
12 under the authority of Chapter VII of the Charter of the
13 United Nations.

14 (b) CONTENT OF REPORTS.—Each report submitted
15 under subsection (a) shall detail with respect to each gov-
16 ernment of a foreign country identified in such report the
17 nature of the violation (other than violations detailed in
18 previous reports submitted pursuant to this section), and
19 shall evaluate—

20 (1) the importance of the violation to the efforts
21 of the Taliban to remain in power in Afghanistan;
22 (2) the importance of the violation to the efforts
23 of terrorist groups to continue operating from Af-
24 ghanistan; and

5 (c) AUTHORITY TO IMPOSE UNITED STATES SAN-
6 CATIONS.—The President is authorized to impose one or
7 more of the United States sanctions provided in subsection
8 (d) if the President determines and reports to the appro-
9 priate congressional committees that—

10 (1) a government of a foreign country identified
11 in a report submitted under subsection (a) has
12 knowingly violated, or knowingly permitted persons
13 subject to its jurisdiction to violate, measures di-
14 rected against the Taliban pursuant to United Na-
15 tions Security Council Resolutions 1267 (1999),
16 1333 (2000), or 1363 (2001), or pursuant to any
17 other United Nations Security Council resolution
18 adopted under the authority of Chapter VII of the
19 Charter of the United Nations; and

20 (2) such violation has put at risk the lives of
21 members of the United States Armed Forces, or
22 other United States citizens.

23 (d) UNITED STATES SANCTIONS AUTHORIZED TO
24 BE IMPOSED.—The United States sanctions referred to
25 in subsection (c) are the following:

16 SEC. 8. SUBMISSION OF DETERMINATIONS AND REPORTS

17 IN CLASSIFIED FORM.

18 When the President considers it appropriate, deter-
19 minations and reports to the appropriate congressional
20 committees submitted under this Act, or appropriate parts
21 thereof, may be submitted in classified form.

22 SEC. 9. DEFINITIONS.

23 In this Act:

24 (1) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committee on International Re-
2 lations of the House of Representatives and the
3 Committee on Foreign Relations of the Senate.

4 (2) NATIONAL.—The term “national” means,
5 with respect to a foreign country, a national of the
6 country, including a natural person, corporation,
7 business association, partnership, or other entity op-
8 erating as a business enterprise under the laws of
9 the country.

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