

110TH CONGRESS
2D SESSION

S. 3531

To authorize assistance for Afghanistan, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22 (legislative day, SEPTEMBER 17), 2008

Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To authorize assistance for Afghanistan, and for other purposes.

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 “Afghan Freedom Sup-
5 port and Security Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) More than 6 years after the liberation of
9 Afghanistan from the Taliban, who provided Osama
10 Bin Laden and Al-Qaeda with a safe haven for plan-

1 ning the attacks of September 11, 2001, Afghani-
2 stan remains highly unstable and the government of
3 President Hamid Karzai remains subject to attacks
4 from remnants of the Taliban who have regrouped
5 in the region with other insurgent groups, including
6 foreign fighters associated with Al-Qaeda.

7 (2) The Government of Afghanistan supports
8 the continued deployment of international forces to
9 supplement its own nascent national security forces
10 and North Atlantic Treaty Organization (NATO)
11 forces, which took over international stability oper-
12 ations for the entire country through the Inter-
13 national Security Assistance Force (ISAF) on Octo-
14 ber 5, 2006.

15 (3) An insurgency that began in a relatively
16 weak position at the end of 2005 has expanded to
17 pose a serious threat to the Government of Afghani-
18 stan and the international NATO/ISAF and Oper-
19 ation Enduring Freedom forces, whose casualties
20 have mounted significantly during 2008, while civil-
21 ian casualties have also increased substantially in
22 Afghanistan, resulting in significant popular dis-
23 enchantment and concern about the prospects of
24 peace and stability in the near future.

1 (4) A January 2008 issue brief published by
2 the Atlantic Council of the United States, entitled
3 “Saving Afghanistan: An Appeal and Plan for Ur-
4 gent Action”, states: “On the security side, a stale-
5 mate of sorts has taken hold. NATO and Afghan
6 forces cannot be beaten by the insurgency or by the
7 Taliban. Neither can our forces eliminate the
8 Taliban by military means as long as they have
9 sanctuary in Pakistan. Hence, the future of Afghani-
10 stan will be determined by progress or failure in the
11 civil sector. However, civil sector reform is in serious
12 trouble. Little coordination exists among the many
13 disparate international organizations and agencies
14 active in Afghanistan. Legal and judicial reform (in-
15 cluding reducing corruption), and control of nar-
16 cotics are interdependent efforts and must receive
17 the highest priority. To add insult to injury, of every
18 dollar of aid spent on Afghanistan, less than ten
19 percent goes directly to Afghans, further
20 compounding reform and reconstruction problems.”.

21 (5) Despite the establishment of a constitution
22 and a constitutionally-elected government in Afghan-
23 istan, the failure to build the core institutions of the
24 state and the market has resulted in opportunities

1 for massive corruption and the mounting loss of
2 trust of the Afghan people in their government.

3 (6) The Secretary of Defense clarified that the
4 emphasis of international effort must be far more
5 than military assistance, stating in testimony before
6 Congress on September 10, 2008, “. . . additional
7 forces alone will not solve the problem. Security is
8 just one aspect of the campaign, alongside develop-
9 ment and governance. We must maintain momen-
10 tum, keep the international community engaged, and
11 develop the capacity of the Afghan government. The
12 entirety of the NATO alliance, the EU, NGOs, and
13 other groups—our full military and civilian capabili-
14 ties—must be on the same page and working toward
15 the same goal with the Afghan government.”.

16 (7) The international effort to retrain and help
17 establish an effective police force in Afghanistan has
18 fallen well short of expectations despite 4 distinct ef-
19 forts over 7 years, costing billions of dollars of in-
20 vestment. Respected assessments over the last sev-
21 eral years by the Government Accountability Office,
22 the International Crisis Group, and the Afghanistan
23 Research and Evaluation Unit, have dramatically
24 noted the paramount importance of capable national
25 and local police forces in a stable and secure society

1 and the abject failure to achieve such an outcome in
2 Afghanistan due to—

3 (A) entrenched corruption in the Ministry
4 of Interior;

5 (B) lack of consensus on strategic focus
6 among donors;

7 (C) a lack of accountability over police
8 trained and returned to their communities, in-
9 cluding the dearth of women police; and

10 (D) the failure to backstop policing with
11 rule of law institutions, such as courts and pris-
12 ons.

13 (8) The Government Accountability Office re-
14 port released on June 18, 2008 (GAO-08-883T) in-
15 dicates that “although the [Afghan National Police]
16 has reportedly grown in number since 2005, after an
17 investment of nearly \$6 billion, no Afghan police
18 unit (0 of 433) is assessed by Defense as fully capa-
19 ble of performing its mission” and there is not any
20 verified database of police personnel.

21 (9) The Afghanistan Research and Evaluation
22 Unit released a report in July 2007, entitled
23 “AREU-Cops or Robbers; The Struggle to Reform
24 the Afghan National Police”, which observes that
25 the most consistent theme that emerged was that

1 without comprehensive reform of the Ministry of In-
 2 terior, which is notoriously corrupt, factionalized,
 3 and an increasingly important actor in Afghanistan's
 4 illegal drug economy, police reform efforts will fail
 5 and the money spent on reform will be wasted.

6 (10) The International Crisis Group report re-
 7 leased in August 2007, entitled "ICG-Reforming Af-
 8 ghanistan's Police"—

9 (A) asserts that police training must stress
 10 quality rather than quantity;

11 (B) quotes an experienced police adviser,
 12 "I would rather have a force of 20,000 credible
 13 and effective police officers than 60,000 or even
 14 80,000 men who have been through some sort
 15 of nominal training process which is not fully
 16 fit-for-purpose"; and

17 (C) reports that by July 2007, 71,147
 18 rank and file police had received training, of
 19 whom only 118 were women.

20 (11) The failure of the current counter-nar-
 21 cotics strategy for Afghanistan has diminished Af-
 22 ghan political will to take on the increasingly power-
 23 ful drug interests in the country. The lack of signifi-
 24 cant results is due to factors such as—

1 (A) the failure to have in place in Afghani-
2 stan the essential institutional elements nec-
3 essary to arrest and prosecute mid- and high-
4 level drug traffickers and enablers; and

5 (B) the lack of economic mechanisms, such
6 as finance facilities and services and adequate
7 land rights, to enable Afghan farmers to de-
8 velop alternatives to opium production.

9 (12) The violence and instability in Afghanistan
10 is further exacerbated by corruption and the flour-
11 ishing trade in opium and opium-related products,
12 which—

13 (A) has reached record levels;

14 (B) fuels local militias;

15 (C) corrupts the national and local govern-
16 ments; and

17 (D) provides funding for insurgent and
18 terrorist groups.

19 (13) There is a consensus that the judiciary is
20 ineffective and corrupt, which—

21 (A) puts property rights at risk;

22 (B) prevents the prosecution of drug deal-
23 ers and criminals; and

1 (C) opens up a space for the Taliban's
2 version of arbitration and dispute settlement
3 among ordinary people.

4 (14) On July 1, 2008, the Office of Inspector
5 General of the United States Agency for Inter-
6 national Development (USAID) released a report,
7 which states "USAID/Afghanistan's own assessment
8 identified three material weaknesses in its system of
9 management controls, all of which are related to the
10 country's difficult security situation:

11 "1. Unsuitable working and living condi-
12 tions.

13 "2. Inability to readily travel to project
14 sites.

15 "3. Retention of personnel and delays in
16 the assignment of personnel."

17 (15) The USAID mission in Kabul reported
18 that because of the 3 material weaknesses it identi-
19 fied—

20 (A) its ability to achieve objectives was sig-
21 nificantly impaired;

22 (B) its ability to obtain, report, and use re-
23 liable and timely information for decision mak-
24 ing was impaired; and

1 (C) statutory or regulatory requirements
2 could be violated.

3 (16) On July 1, 2008, the Office of Inspector
4 General of the United States Agency for Inter-
5 national Development released a report stating
6 “USAID obligations in Afghanistan for fiscal years
7 2002 through 2006 totaled nearly \$4.4 billion.” and
8 the Office of Inspector General, operating from Ma-
9 nila, Philippines, expended \$1,992,282 in base ap-
10 propriations and supplemental funding to oversee
11 USAID’s activities in Afghanistan.

12 (17) The position and influence of Afghan
13 women, although improved since the removal of the
14 Taliban, remains limited and precarious. If Afghan
15 women are to realize constitutionally guaranteed
16 legal rights, economic opportunities and legal con-
17 structs will be essential.

18 (18) Transparency International’s Corruption
19 Perception Index places Afghanistan 172nd out of
20 179 countries in 2007, joining Somalia, Burma,
21 Iraq, and Sudan at the bottom of the index, much
22 worse than the situation in 2005, at which time Af-
23 ghanistan ranked 115th out of 159.

24 (19) The Bonn Agreement and the process that
25 brought it about—

1 (A) provided legitimacy and initial stability
2 in Afghanistan between late 2001 and 2006;
3 and

4 (B) enabled the drafting of a new constitu-
5 tion, the first directly elected President in the
6 history of Afghanistan, and a sitting National
7 Parliament.

8 (20) The Bonn Agreement also provided the po-
9 litical platform through which a series of bench-
10 marks were set. These benchmarks were met against
11 a carefully sequenced timeline for a narrow list of in-
12 stitutional priorities upon which the Afghan Govern-
13 ment, Afghan citizens, and their international sup-
14 porters could collaborate. National programs such as
15 the National Health System, the Afghan National
16 Army, the National Solidarity Program, the Na-
17 tional Telecommunications program, and the Na-
18 tional Transportation System provided a clear
19 framework for the establishment and coordination of
20 goals, tasks, benchmarks, and allocation of respon-
21 sibilities, and were made possible through the Af-
22 ghanistan Reconstruction Trust Fund.

23 (21) On February 1, 2006, the Government of
24 Afghanistan and the international community issued
25 the Afghanistan Compact, which sets forth both the

1 international community's commitment to Afghani-
2 stan and Afghanistan's commitment to state build-
3 ing and reform.

4 (22) The Afghanistan Compact, which is sup-
5 ported by the Afghan National Development Strat-
6 egy—

7 (A) provides the core framework for build-
8 ing an effective, accountable state in Afghani-
9 stan;

10 (B) sets goals and standards for improve-
11 ments in security, governance, and development;

12 (C) includes measures for reducing the
13 narcotics economy, promoting regional coopera-
14 tion, and making aid more effective, particu-
15 larly at the local and provincial levels; and

16 (D) established a mechanism to monitor
17 Afghanistan and the international community's
18 adherence to the time lines, goals, and objec-
19 tives set forth in the document.

20 (23) In June, 2008, international donors
21 pledged \$20,000,000,000 toward the reconstruction
22 of Afghanistan, as part of a \$50,000,000,000 5-year
23 development plan, of which the United States
24 pledged over 50 percent.

1 **SEC. 3. SENSE OF CONGRESS.**

2 It is the Sense of Congress that—

3 (1) following the liberation of Afghanistan from
4 the Taliban in 2001, the Federal Government under-
5 estimated—

6 (A) the nature of the challenge in Afghani-
7 stan;

8 (B) the time horizon for restoring political
9 and economic stability in Afghanistan; and

10 (C) the type of resources required to help
11 ensure a stable Afghanistan with effective and
12 accountable state institutions and developing
13 economic opportunities;

14 (2) In order to provide appropriate and forth-
15 right expectations of the long and challenging com-
16 mitment necessary for success in Afghanistan and
17 accurately estimate the nature of the resources re-
18 quired, the international community must con-
19 centrate efforts on—

20 (A) a full assessment of natural resources
21 and a profile of human capital required for the
22 effective and sustainable functioning of the Af-
23 ghan state;

24 (B) a clear accounting of resources avail-
25 able to achieve an effective and sustainable Af-
26 ghan government, as well as those expected to

1 be required to maintain its effectiveness in the
2 future; and

3 (C) the development of human capital and
4 an investment in quality leaders and managers
5 through the establishment of upper level train-
6 ing and education, as well as primary and sec-
7 ondary, including tertiary and vocational insti-
8 tutions to ensure they meet regional standards
9 as well as at least two that meet global stand-
10 ards;

11 (3) Afghanistan remains a country of para-
12 mount importance to our national security and
13 building Afghanistan into an effective state with po-
14 litical and economic stability is a goal that the
15 United States shares with the Government of Af-
16 ghanistan and its citizens;

17 (4) the region in which Afghanistan is situated
18 is of paramount importance to the national security
19 of the United States and our diplomatic initiatives
20 and foreign policy in this region must be harmonized
21 and coherent across the region;

22 (5) the most important partners in the security,
23 stability, and development of Afghanistan are the
24 people of that country, who should remain a prime

1 focus of our efforts to build their sustained capacity
2 to govern;

3 (6) long-term, consistent, and coordinated inter-
4 national support and assistance is required in Af-
5 ghanistan to secure, stabilize, and develop the coun-
6 try so that it is capable of sustaining good govern-
7 ance and becoming a responsible and valued partner
8 in the international community;

9 (7) setting appropriate expectations in Afghani-
10 stan and in donor and partner capitals is essential
11 to effective and responsible foreign assistance policy;
12 and understanding the necessity for long-term en-
13 gagement in such situations will prevent short term,
14 unsustainable outcomes;

15 (8) Afghanistan and its neighbors have a mu-
16 tual responsibility to ensure that their territories are
17 not the source, and their policies are not complicit
18 in, the destabilization or deprivation of other coun-
19 tries in the region;

20 (9) the challenges Afghanistan faces stem more
21 from weak governance than from a strong enemy
22 and can be overcome by the unity and resolve of the
23 Afghan people and the international community;

24 (10) American academic and policy institutions
25 and several respected outside organizations have

1 conducted significant close and prolonged studies of
2 the Afghanistan situation, generating reports and
3 comprehensive reviews of post-conflict reconstruction,
4 counter-narcotics, economic development, security
5 force training, and counter-insurgency efforts
6 that warrant review and consideration by United
7 States policy makers to develop a more responsive
8 United States strategy to address the crisis in Af-
9 ghanistan;

10 (11) corruption—

11 (A) is one of the chief corrosive elements
12 of misgoverned countries, especially in those
13 countries confronted with the scourge of nar-
14 cotics trafficking; and

15 (B) if left unchecked, leads to failed states;

16 (12) the Government of Afghanistan is riven
17 with corruption at every level, especially at the na-
18 tional level;

19 (13) Afghanistan has been described by some as
20 bordering on being a narco-state, influenced by the
21 traffickers, resources, and abettors of illegal nar-
22 cotics trafficking;

23 (14) significant resources and significant meas-
24 ures must be taken by international donors to men-
25 tor and enable current and future government offi-

1 cials and institutions to eliminate corrupt officials
2 and practices in order to—

3 (A) combat corruption;

4 (B) improve transparency and account-
5 ability;

6 (C) increase the participatory nature of
7 governmental institutions; and

8 (D) promote other forms of good govern-
9 ance and management in all levels of govern-
10 ment in Afghanistan;

11 (15) anti-corruption is as reliant on an effective
12 and engaged civil society as on an effective govern-
13 ment;

14 (16) United States assistance to Afghanistan
15 should reflect the intent to fight corruption and the
16 influence of public officials;

17 (17) as Afghan line ministries prove capable of
18 administering services in their area of responsibility,
19 they should be further empowered and resourced to
20 capitalize upon such progress and better build incen-
21 tives toward effective management and oversight;

22 (18) despite some delays in its broad deploy-
23 ment, the Afghan National Army (ANA), which is
24 an essential element in the stability of Afghanistan
25 in a volatile region, must continue to be properly

1 trained and equipped by a rededicated effort from
 2 the international community to achieve effective and
 3 independent operational capability that is sustain-
 4 able;

5 (19) the security of Afghanistan is closely inter-
 6 twined with those of its regional neighbors;

7 (20) success in Afghanistan, both economic and
 8 political, will be dependent on stability in the region;

9 (21) chronic food insecurity is—

10 (A) a burden on Afghanistan and its
 11 neighbors;

12 (B) threatens life and stability in the coun-
 13 try; and

14 (C) diminishes the impact of other assist-
 15 ance efforts;

16 (22) the commitment of the international com-
 17 munity to provide significant resources over the
 18 long-term will help establish a foundation for gov-
 19 ernance and commerce and ultimately food security
 20 for tens of millions of people in the region;

21 (23) a comprehensive approach to food security
 22 should encompass improvements in nutrition, edu-
 23 cation, agricultural infrastructure and productivity,
 24 finance and markets, safety net programs, household
 25 incomes, and emergency preparedness;

1 (24) essential opportunities for achieving food
2 security in Afghanistan include—

3 (A) ensuring that any emergency response
4 is linked to, or helps to, establish the means
5 and organization for sustainable food security
6 in the country, such as through the National
7 Solidarity Program;

8 (B) using community development councils
9 as a governance mechanism for—

10 (i) serving their communities in dif-
11 ficult decisions regarding development pri-
12 orities, including water, energy, education,
13 and agriculture; and

14 (ii) substituting legitimate crops for
15 poppies; and

16 (C) creating a consortium of United States
17 land grant colleges and other agricultural
18 schools—

19 (i) to strengthen Afghan institutions
20 and share knowledge to build the agricul-
21 tural sector, which consists of over 80 per-
22 cent of the Afghan economy; and

23 (ii) to use as an instrument for re-
24 warding provinces that have dropped

1 opium cultivation and creating incentives
2 for dropping opium in others;

3 (25) the Overseas Private Investment Corpora-
4 tion should, in accordance with its mandate to foster
5 private investment and enhance the ability of private
6 enterprise to make its full contribution to inter-
7 national development, exercise its authorities under
8 title IV of chapter 2 of part I of the Foreign Assist-
9 ance Act of 1961 (22 U.S.C. 2191 et seq.) to fur-
10 ther increase efforts to promote and support United
11 States-sponsored private investment, including in the
12 energy sector, in Afghanistan;

13 (26) it is essential that United States policy be
14 harmonized and complementary across the region;
15 and

16 (27) the magnitude of the resources devoted
17 and significance of our national interest in the effec-
18 tive and accountable stabilization and reconstruction
19 effort in Afghanistan, including additional regional
20 efforts to build economic capacity such as that in the
21 Pakistan, requires a robust regional office presence
22 for the Inspector General of the United States Agen-
23 cy for International Development and the Inspector
24 General of the Department of State.

1 **SEC. 4. DECLARATION OF POLICY.**

2 It shall be the policy of the United States—

3 (1) to render appropriate, long-term assistance
4 to Afghanistan in a consistent and coordinated fash-
5 ion with willing and responsible partners in the
6 international community;

7 (2) to ensure that our foreign policy in this re-
8 gion is responsive to and in partnership with the
9 people of Afghanistan;

10 (3) to harmonize its assistance efforts in Af-
11 ghanistan and neighboring countries across—

12 (A) all associated Federal agencies; and

13 (B) to the maximum extent possible, with
14 congruent international partner assistance ef-
15 forts;

16 (4) to regularly, comprehensively, and openly
17 review stabilization, reconstruction and development
18 efforts in Afghanistan to ensure flexibility and the
19 most effective utilization of resources toward spe-
20 cific, tangible outcomes, including a review of the ef-
21 fectiveness of the Afghanistan Reconstruction Trust
22 Fund and associated programs and mechanisms, in
23 order to determine the relative benefit and effective-
24 ness of such funding vehicle, and its programs and
25 mechanisms, in comparison to other reconstruction
26 and stabilization efforts; and

1 (5) to identify and utilize, to the greatest extent
2 possible, the most effective funding mechanism
3 that—

4 (A) satisfies accountability and trans-
5 parency requirements; and

6 (B) has proven capable and sufficient to
7 support the implementation of national pro-
8 grams by the government and people of Afghan-
9 istan for the benefit of Afghans.

10 **SEC. 5. DEFINITIONS.**

11 (a) IN GENERAL.—In this Act, except as otherwise
12 provided, the term “congressional committees” means the
13 Committee on Foreign Relations of the Senate and the
14 Committee on Foreign Affairs of the House of Representa-
15 tives.

16 (b) AMENDMENT.—Section 1(c) of the Afghanistan
17 Freedom Support Act of 2002 (22 U.S.C. 7501) is amend-
18 ed to read as follows:

19 “(c) DEFINITIONS.—In this Act:

20 “(1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—Except as otherwise provided, the term ‘ap-
22 propriate congressional committees’ means—

23 “(A) the Committee on Foreign Relations
24 of the Senate;

1 “(B) the Committee on Appropriations of
2 the Senate;

3 “(C) the Committee on Foreign Affairs of
4 the House of Representatives; and

5 “(D) the Committee on Appropriations of
6 the House of Representatives.

7 “(2) GOVERNMENT OF AFGHANISTAN.—The
8 term ‘Government of Afghanistan’ includes—

9 “(A) the government of any political sub-
10 division of Afghanistan; and

11 “(B) any agency or instrumentality of the
12 Government of Afghanistan.

13 “(3) INTERNATIONAL SECURITY ASSISTANCE
14 FORCE; ISAF.—The terms ‘International Security
15 Assistance Force’ and ‘ISAF’ means the inter-
16 national security assistance force established to as-
17 sist in the maintenance of security in Afghanistan
18 pursuant to United Nations Security Council Resolu-
19 tion 1386 (2001), as amended by United Nations
20 Security Council Resolutions 1413 (2002), 1444
21 (2002), 1510 (2003), 1563 (2004), 1623 (2005),
22 and 1707 (2006).’.

23 **SEC. 6. PURPOSES OF ASSISTANCE.**

24 The purposes of United States assistance authorized
25 by this Act are—

1 (1) to help assure the security of the United
2 States and the world by—

3 (A) reducing or eliminating the likelihood
4 of violence against the United States and part-
5 ners in Afghanistan; and

6 (B) reducing the chance that Afghanistan
7 will become a source of international terrorism;

8 (2) to signal our Nation’s long-term commit-
9 ment to Afghanistan and its people, the region, and
10 partners in the international community;

11 (3) to provide United States civilian agencies
12 with the appropriate resources to effectively plan,
13 implement, and monitor assistance programs in an
14 exceptionally challenging environment, including—

15 (A) expanding the presence of United
16 States diplomatic personnel in key provincial
17 capitals and at locations at which Provincial
18 Reconstruction Teams are to be sustained;

19 (B) integrating a more substantial, long-
20 term presence of experienced development ex-
21 perts; and

22 (C) establishing a robust regional office in
23 the South Asia subregion for the Inspector
24 General of the United States Agency for Inter-
25 national Development;

1 (4) to help Afghans realize a stable and secure
2 country with effective, accountable state institutions
3 that effectively administer the basic needs of the Af-
4 ghan people for services, safety, the rule of law, and
5 increased economic opportunity, by focusing United
6 States efforts on—

7 (A) establishing viable Afghan security in-
8 stitutions;

9 (B) building Afghan governance and rule
10 of law capacity, especially at the sub-national
11 level;

12 (C) enabling a vibrant economic and social
13 environment through reconstruction of critical
14 infrastructure and focused development;

15 (D) investing in the capabilities of the
16 growing young generation of Afghans;

17 (E) promoting an accountable and trans-
18 parent public finance system for all Afghan rev-
19 enues and expenditures;

20 (F) combating insurgency as an ongoing,
21 regionally-fueled, threat; and

22 (G) incorporating counter-narcotics as in-
23 tegral to this mission; and

1 (5) to realize, as milestones to Afghanistan's
2 progress, combined with sustained political will on
3 the part of our Afghan and international partners—

4 (A) Afghan National Security Forces that
5 plan and execute operations against Taliban
6 and other insurgents, with United States,
7 NATO, and other partner nations' forces in
8 support and ensure that Afghan citizens are
9 protected from criminal elements;

10 (B) state-sponsored justice institutions in
11 every province and in key districts that provide
12 the majority of Afghans with access to formal
13 justice;

14 (C) governors in every province dedicated
15 to and held accountable for delivery of services
16 to the district level;

17 (D) a strengthened, private sector friendly,
18 legal and commercial framework and basic in-
19 frastructure for private sector development in
20 every province, including roads for commerce;

21 (E) reduced rates of poppy cultivation and
22 trafficking based on parallel strides made in im-
23 proving security, enhancing local-governing ca-
24 pacity and justice institutions, and promoting

1 economic development nationwide as the secu-
2 rity environment dictates;

3 (F) the timely completion of the 2009 and
4 2010 scheduled presidential and parliamentary
5 elections with an improved level of competence,
6 legitimacy, and effectiveness in the administra-
7 tion of government for the Afghan people;

8 (G) a multi-year human development plan
9 for Afghan capabilities that involves the leaders,
10 managers, and other professionals necessary for
11 ensuring a functioning state, modern economy,
12 and a vibrant civil society; and

13 (H) a public finance system that is capable
14 of—

15 (i) conducting a full, system-wide as-
16 sessment of potential sources of revenue in
17 the country, including customs, which can
18 establish a basis for payment of essential
19 services;

20 (ii) conducting an assessment of rev-
21 enue sources that are lost due to misappro-
22 priation, corruption, and mismanagement;

23 (iii) developing a plan for closing the
24 gaps between potential revenue and actual
25 revenue collected; and

1 (iv) maintaining the resources nec-
2 essary for essential services, including the
3 sustainability of the security sector institu-
4 tions essential to regional stability and se-
5 curity within Afghanistan.

6 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the President up to \$3,000,000,000 for each
9 of the fiscal years 2009 through 2013 to provide assist-
10 ance to Afghanistan under the Foreign Assistance Act of
11 1961 (22 U.S.C. 2151 et seq.).

12 (b) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that up to \$3,000,000,000 should be authorized to
14 be appropriated for each of the fiscal years 2014 through
15 2018 to provide assistance to Afghanistan under the For-
16 eign Assistance Act of 1961.

17 **SEC. 8. MONITORING AND EVALUATION OF ASSISTANCE.**

18 (a) IN GENERAL.—The President shall establish and
19 implement a system to monitor and evaluate the effective-
20 ness and efficiency of assistance provided under this Act
21 on a program-by-program basis in order to maximize the
22 long-term sustainable development impact of such assist-
23 ance.

24 (b) REQUIREMENTS.—In carrying out subsection (a),
25 the President shall—

1 (1) establish performance goals for assistance
2 authorized under this Act and expresses such goals
3 in an objective and quantifiable form, to the extent
4 practicable;

5 (2) establish indicators to be used in measuring
6 or assessing the achievement of the goals described
7 in paragraph (1); and

8 (3) provide a basis for recommendations for ad-
9 justments to assistance authorized under this Act to
10 enhance the impact of such assistance.

11 (c) ASSISTANCE TO ENHANCE THE CAPACITY OF AF-
12 GHANISTAN.—In carrying out subsection (a), the Presi-
13 dent shall provide assistance to enhance the capacity of
14 the Government of Afghanistan to monitor and evaluate
15 programs carried out by the national, provincial, and local
16 governments in Afghanistan in order to maximize the
17 long-term development impact of such programs.

18 (d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated \$5,000,000 for each of
20 the fiscal years 2009 through 2013 to carry out this sec-
21 tion.

22 **SEC. 9. PROGRAM OVERSIGHT AUTHORIZATION.**

23 (a) SENSE OF CONGRESS.—It is the Sense of Con-
24 gress that—

1 (1) the establishment of the Office of the Spe-
2 cial Inspector General for Afghanistan is a positive,
3 although insufficient, development in—

4 (A) the oversight and monitoring of United
5 States efforts in Afghanistan to meet the exten-
6 sive needs of the critical and expensive sta-
7 bilization and reconstruction operation; and

8 (B) recognizing the necessity to establish
9 permanent capacity within the Inspector Gen-
10 eral offices of the Department of State and the
11 United States Agency for International Devel-
12 opment; and

13 (2) efforts by United States Inspectors General
14 in Afghanistan should seek ways to increase the ca-
15 pacity of the Government of Afghanistan to build
16 Afghan oversight and anti-corruption institutions.

17 (b) ASSISTANCE AUTHORIZED.—

18 (1) IN GENERAL.—The Office of the Inspector
19 General of the Department of State and the Office
20 of the Inspector General of the United States Agen-
21 cy for International Development in Afghanistan
22 shall audit, investigate, and oversee the programs
23 authorized under this Act.

1 (2) OFFICE OF TECHNICAL ASSISTANCE.—The
2 Office of Technical Assistance of the Department of
3 the Treasury shall—

4 (A) conduct annual assessments of Af-
5 ghanistan’s public finance system, broken down
6 by line ministry and by province;

7 (B) submit a report to Congress that de-
8 scribes the results of each assessment con-
9 ducted under subparagraph (A); and

10 (C) make copies of the report submitted
11 under subparagraph (B) available to the Gov-
12 ernment of Afghanistan and the Afghan people.

13 (c) REQUIREMENT FOR IN-COUNTRY PRESENCE.—
14 The Office of the Inspector General of the Department
15 of State and the Office of the Inspector General of the
16 United States Agency for International Development,
17 after consultation with the Secretary of State and the Ad-
18 ministrators for the United States Agency for International
19 Development, shall permanently deploy not fewer than 2
20 staff from each such Office in Afghanistan to carry out
21 this section.

22 (d) AUTHORIZATION OF APPROPRIATIONS.—

23 (1) AVAILABILITY OF FUNDS.—Of the amounts
24 authorized to be appropriated under section 7 for
25 each of the fiscal years 2009 through 2013—

1 (A) not less than \$3,000,000 shall be made
2 available to the Office of the Inspector General
3 of the Department of State to carry out this
4 section; and

5 (B) not less than \$5,000,000 shall be
6 made available to the Office of the Inspector
7 General of the United States Agency for Inter-
8 national Development to carry out this section.

9 (2) RELATION TO OTHER AVAILABLE FUNDS.—
10 Amounts made available under paragraph (1) are in
11 addition to amounts otherwise available for such
12 purposes.

13 **SEC. 10. COORDINATION OF ASSISTANCE.**

14 (a) CONGRESSIONAL FINDING.—Congress finds that
15 the individual responsible for coordinating assistance for
16 Afghanistan, as of the date of the enactment of this Act,
17 has been constrained in achieving the objectives of an inte-
18 grated approach to United States assistance programs for
19 Afghanistan.

20 (b) APPOINTMENT OF COORDINATOR.—Not later
21 than 120 days after the date of the enactment of this Act,
22 the President, by and with the advice and consent of the
23 Senate, shall appoint a coordinator, who—

24 (1) shall report directly to the President;

1 (2) shall have the rank and status of Amba-
2 sador; and

3 (3) may not hold any other position within the
4 United States Government.

5 (c) DUTIES OF COORDINATOR.—The coordinator ap-
6 pointed pursuant to subsection (b) shall—

7 (1) design an overall non-military strategy, in
8 coordination with the heads of relevant Federal de-
9 partments and agencies, including regional United
10 States Ambassadors, to advance United States inter-
11 ests in Afghanistan, including policy coordination re-
12 lating to—

13 (A) security and stability within Afghani-
14 stan;

15 (B) political and economic reconstruction
16 and development;

17 (C) counter-narcotics; and

18 (D) activities to equip and train the Af-
19 ghan National Security Forces;

20 (2) ensure policy coordination among relevant
21 Federal departments and agencies, including the De-
22 partment of Defense, in carrying out the strategy
23 described in paragraph (1);

24 (3) coordinate with other countries and inter-
25 national organizations with respect to assistance for

1 Afghanistan, especially in areas in which ground co-
2 ordination and collaboration is essential, such as ac-
3 tivities to—

4 (A) equip and train the Afghan National
5 Security Forces;

6 (B) build the capacity of the Government
7 of Afghanistan at the local, district, province,
8 and national levels, with increased emphasis on
9 the subnational level; and

10 (C) undertake phased reconstruction and
11 development activities, especially activities asso-
12 ciated with sustainable counter-narcotics oper-
13 ations and programs;

14 (4) coordinate the implementation of assistance
15 programs for Afghanistan described in paragraph
16 (1) and oversight with relevant Federal departments
17 and agencies;

18 (5) ensure expeditious resolution of policy dis-
19 putes with respect to United States assistance for
20 Afghanistan described in paragraph (1) among rel-
21 evant Federal departments and agencies;

22 (6) ensure coordination among the United
23 States, the Government of Afghanistan, NATO-
24 ISAF, the United Nations, and other international
25 partners that are supporting counter-terrorism,

1 counter-insurgency, and counter-narcotics efforts;
2 and

3 (7) carry out a review of major security and de-
4 velopment contracts in order to—

5 (A) evaluate the degree of effectiveness rel-
6 ative to the perceived value of such contracts;
7 and

8 (B) provide recommendations to enhance
9 local capacity and participation of Afghan orga-
10 nizations at the highest levels of reconstruction
11 and development.

12 (d) DEPUTY COORDINATORS.—The coordinator may
13 appoint up to 4 deputy coordinators to assist the coordi-
14 nator with the duties of the coordinator described in sub-
15 section (c), including duties relating to counter-narcotics,
16 reconstruction and development, and equipping and train-
17 ing Afghan National Security Forces. A deputy coordi-
18 nator may not hold any other position within the United
19 States Government.

20 **SEC. 11. HUMANITARIAN ASSISTANCE FOR WAR VICTIMS.**

21 (a) SENSE OF CONGRESS.—It is the sense of Con-
22 gress that—

23 (1) the President should continue and expand
24 programs of assistance to innocent Afghan individ-
25 uals, families, and communities that suffered losses

1 as a result of military operations conducted by
2 United States and NATO/ISAF forces; and

3 (2) the programs described in paragraph (1)
4 help innocent civilians rebuild their lives and build
5 goodwill for the United States and our allies.

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the President shall submit
8 a report to the appropriate congressional committees on
9 the feasibility of expanding assistance programs described
10 in subsection (a) to include—

11 (1) the provision of additional assistance to
12 families of Afghan civilians who—

13 (A) were injured or killed during such op-
14 erations; and

15 (B) were the primary source of income for
16 their families;

17 (2) the provision of assistance in excess of
18 \$2,500 to families of Afghan civilians described in
19 subsection (a); and

20 (3) the provision of other assistance that might
21 be required as a result of ongoing military oper-
22 ations in Afghanistan.

23 **SEC. 12. SENSE OF CONGRESS CONCERNING UNITED NA-**
24 **TIONS MANDATE IN AFGHANISTAN.**

25 It is the sense of Congress that—

1 (1) the United Nations Assistance Mission in
2 Afghanistan (referred to in this section as the
3 “UNAMA”) plays a vital role in coordinating inter-
4 national assistance efforts and should strengthen
5 that role;

6 (2) the UNAMA ensures that the emergency as-
7 sistance it coordinates is expended as part of the ef-
8 fort to build national capacity in sustainable institu-
9 tions and practices, including emergency food assist-
10 ance;

11 (3) the upcoming parliamentary and presi-
12 dential elections in Afghanistan are the most critical
13 proximate event for which the UNAMA should
14 prioritize its efforts in order to help solidify the po-
15 litical transformation begun during the Constitu-
16 tional Loya Jirga in 2003 and further enshrined in
17 national elections in 2004 and 2005, and should do
18 so by—

19 (A) providing a thorough review of lessons
20 learned from the Afghan elections of 2004 and
21 2005;

22 (B) preparing a detailed plan of how the
23 UNAMA intends to support free and fair elec-
24 tions in 2009 and 2010 in time to effectively
25 implement such plan;

1 (C) including the consideration of a mod-
2 ern, fraud-resistant information management
3 system to prevent multiple voting; and

4 (D) building the capacity and consistency
5 of the Afghan Electoral Commission and ena-
6 bling the Commission to enforce stricter compli-
7 ance with the guidelines for participation by
8 candidates in the elections to ensure appro-
9 priate vetting to strengthen Afghan voter con-
10 fidence in their electoral system; and

11 (4) the United Nations Security Council should
12 expand the United Nations mandate in Afghanistan
13 by—

14 (A) authorizing international civilian law
15 enforcement missions in Afghanistan as a part
16 of peace operations of the United Nations in
17 Afghanistan and as a partner in the consolida-
18 tion of the international response to the chal-
19 lenge of building effective police forces;

20 (B) authorizing the International Security
21 Assistance Force to participate in counter-drug
22 interdiction operations, to the extent appro-
23 priate, practicable, and consistent with ongoing
24 operational activities and international law,
25 against major narcotic traffickers, their oper-

1 ations, and their infrastructure in Afghanistan,
 2 with the concurrence of the Government of Af-
 3 ghanistan; and

4 (C) amending and extending the authoriza-
 5 tion of the International Security Assistance
 6 Force beyond October 2008.

7 **SEC. 13. SPECIAL ENVOY FOR REGIONAL COOPERATION IN**
 8 **SOUTH AND CENTRAL ASIA.**

9 (a) SENSE OF CONGRESS.—It is the sense of Con-
 10 gress that—

11 (1) it is in the national interest of the United
 12 States that—

13 (A) the countries of South and Central
 14 Asia work together to address common chal-
 15 lenges hampering the stability, security, and de-
 16 velopment of their region; and

17 (B) appropriate resources and diplomatic
 18 personnel are available to enhance, where pos-
 19 sible, such cooperation; and

20 (2) the strategic importance of South and Cen-
 21 tral Asia, and the particular challenges and threats
 22 represented by political instability, terrorism,
 23 insurgencies, and nuclear proliferation, warrant fur-
 24 ther resources and diplomatic capacity to facilitate

1 the efforts by United States Ambassadors in the re-
2 gion.

3 (b) APPOINTMENT.—The President **【shall】** appoint,
4 with the advice and consent of the Senate, a special envoy,
5 who shall—

6 (1) report through the Assistant Secretary, Bu-
7 reau of South and Central Asian Affairs;

8 (2) have the rank of Ambassador; and

9 (3) shall harmonize United States efforts to en-
10 hance cooperation between the countries of South
11 and Central Asia.

12 (c) DUTIES.—The special envoy appointed pursuant
13 to subsection (b) shall—

14 (1) coordinate United States policy on issues
15 relating to strengthening and facilitating relations
16 between the nations of South and Central Asia for
17 the benefit of stability and economic growth in the
18 region;

19 (2) advise the President and the Secretary of
20 State, as appropriate; and

21 (3) in coordination with the Assistant Secretary
22 of State, Bureau of South and Central Asian Af-
23 fairs, make recommendations regarding effective
24 strategies and tactics to achieve United States policy
25 objectives to—

1 (A) stem cross-border terror activities;

2 (B) provide guidance and assistance to ref-
 3 ugees to ensure orderly and voluntary repatri-
 4 ation from neighboring states;

5 (C) bolster people-to-people ties and eco-
 6 nomic cooperation between the nations of South
 7 and Central Asia, including bilateral trade rela-
 8 tions;

9 (D) explore opportunities to anticipate and
 10 seek solutions to critical cross-border issues,
 11 such as transport, energy, food security, and
 12 water; and

13 (E) offer comprehensive review and advice
 14 to support effective counter-narcotics strategies
 15 across the region, including effective regional
 16 food security assistance.

17 **SEC. 14. REAUTHORIZATION OF RADIO FREE AFGHANI-**
 18 **STAN.**

19 (a) FINDINGS.—Congress makes the following find-
 20 ings:

21 (1) Since January 30, 2002, RFE/RL, Incor-
 22 porated (formerly known as Radio Free Europe/
 23 Radio Liberty) has provided 12 hours of daily surro-
 24 gate broadcasting services through Radio Free Af-

1 ghanistan in Dari and Pashto languages to the peo-
2 ple of Afghanistan.

3 (2) Radio Free Afghanistan is the leading
4 broadcaster in Afghanistan with an audience of
5 nearly 60 percent of the adult population.

6 (3) It is in the national interest to continue
7 Radio Free Afghanistan's surrogate broadcasts to
8 Afghanistan in order to provide accurate news and
9 information, help give voice to ordinary Afghans,
10 and provide programs on the fundamentals of de-
11 mocracy.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—For each
13 of the fiscal years 2009 through 2013, there are author-
14 ized to be appropriated to the Broadcasting Board of Gov-
15 ernors such sums as may be necessary for grants to sup-
16 port 12 hours of daily surrogate broadcasting services
17 through Radio Free Afghanistan in Dari and Pashto lan-
18 guages to the people of Afghanistan.

19 **SEC. 15. REPORTS REQUIRED.**

20 (a) REPORT ON PROGRESS TOWARD SECURITY, STA-
21 BILITY, AND DEVELOPMENT IN AFGHANISTAN.—Not later
22 than July 1, 2009, and annually thereafter through July
23 1, 2018, the President shall submit a report to the appro-
24 priate congressional committees that—

1 (1) sets forth a comprehensive set of perform-
 2 ance indicators and measures of progress in order to
 3 establish a baseline upon which to plan and build to-
 4 ward sustainable security, stability, and development
 5 in Afghanistan and the surrounding region;

6 (2) describes the progress achieved based upon
 7 such measures of performance in the previous 3
 8 years; and

9 (3) sets goals for such measures of performance
 10 over the subsequent 3 years.

11 (b) COMPREHENSIVE STRATEGY FOR SUSTAINABLE
 12 SECURITY, STABILITY, AND DEVELOPMENT IN AFGHANI-
 13 STAN.—Not later than October 1, 2009, and annually
 14 thereafter until October 1, 2018, the President shall sub-
 15 mit a report to the appropriate congressional committees
 16 that sets forth a comprehensive interagency strategy for
 17 achieving sustainable security, stability, and development
 18 in Afghanistan and the surrounding region.

19 (c) GOVERNMENT ACCOUNTABILITY OFFICE RE-
 20 PORT.—Not later than 270 days after the submission of
 21 each report required under subsection (a), the Comptroller
 22 General of the United States shall submit a report to the
 23 appropriate congressional committees that contains—

1 (1) a review of, and comments addressing, the
2 most recent report submitted under subsection (a);
3 and

4 (2) recommendations relating to any additional
5 actions the Comptroller General determines to be
6 necessary to improve on United States efficiency and
7 effectiveness in meeting the goals set forth in the
8 most recent report submitted under subsection (a).

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