

112TH CONGRESS
2D SESSION

H. R. 6485

To establish requirements relating to the provision of certain products to the Government of Afghanistan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2012

Mr. CHAFFETZ (for himself and Mr. TIERNEY) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish requirements relating to the provision of certain products to the Government of 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 “Accountability of Tax-
5 payer Funding for Afghanistan Fuels Act of 2012”.

1 **SEC. 2. REQUIREMENTS RELATING TO PROVISION OF COV-**
2 **ERED PRODUCTS TO THE GOVERNMENT OF**
3 **AFGHANISTAN.**

4 (a) IN GENERAL.—No covered product may be pro-
5 vided directly or indirectly to the Government of Afghani-
6 stan unless and until the Secretary of Defense submits
7 to Congress a report that contains—

8 (1) a determination of the Secretary that the
9 requirements described in subsection (b) have been
10 met; and

11 (2) a detailed justification for such determina-
12 tion.

13 (b) REQUIREMENTS.—The requirements described in
14 this subsection are the following:

15 (1) The provision of the covered product meets
16 an existing or future need of the Government of Af-
17 ghanistan.

18 (2) The financial documents relating to the pro-
19 vision of the covered product are fully accounted for
20 and will be maintained by the Department of De-
21 fense for a period of not less than 10 years.

22 (3) The Department of Defense has established
23 controls to monitor the use of the covered product.

24 (c) EFFECTIVE DATE.—This section takes effect 60
25 days after the date of the enactment of this Act and ap-

1 plies with respect to the provision of a covered product
2 on or after 60 days after such date of enactment.

3 **SEC. 3. PROHIBITION ON FINANCING ASSISTANCE FOR**
4 **PURPOSES OF PROCURING ANY COVERED**
5 **PRODUCT FOR USE BY THE GOVERNMENT OF**
6 **AFGHANISTAN.**

7 (a) IN GENERAL.—No funds available to the Depart-
8 ment of Defense may be provided directly or indirectly to
9 the Government of Afghanistan for purposes of procuring
10 any covered product unless and until the Secretary of De-
11 fense submits to Congress a report that contains—

12 (1) a determination of the Secretary that the
13 requirements described in subsection (b) have been
14 met; and

15 (2) a detailed justification for such determina-
16 tion.

17 (b) REQUIREMENTS.—The requirements described in
18 this subsection are the following:

19 (1) The Government of Afghanistan is capable
20 of providing reliable accounting and reporting to the
21 Department of Defense with respect to the purchase,
22 delivery, and consumption of a covered product.

23 (2) The Special Inspector General for Afghani-
24 stan Reconstruction or beginning on the date de-
25 scribed in subsection (c) the Inspector General of

1 the Department of Defense has certified to the Sec-
2 retary of Defense that the requirements described in
3 paragraph (1) have been met.

4 (c) DATE DESCRIBED.—The date described in this
5 subsection is the date of termination of the Office of the
6 Special Inspector General for Afghanistan Reconstruction
7 as required under section 1229 of the National Defense
8 Authorization Act for Fiscal Year 2008 (Public Law 110–
9 181; 122 Stat. 378).

10 (d) EFFECTIVE DATE.—This section takes effect on
11 the date of the enactment of this Act and applies with
12 respect to funds available to the Department of Defense
13 that are unobligated or unexpended as of such date of en-
14 actment.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) COVERED PRODUCT.—The term “covered
18 product” means petroleum, oil, or a lubricant (in-
19 cluding diesel fuel, gasoline, jet or aviation fuel, ker-
20 osene, or other fuels) or firewood that is to be used
21 for purposes of equipping, training, or sustaining the
22 Afghan National Security Forces.

1 (2) GOVERNMENT OF AFGHANISTAN.—The
2 term “Government of Afghanistan” includes any
3 agency of instrumentality of Afghanistan.

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