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AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

APRIL 25, 2002.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HYDE, from the Committee on International Relations, submitted the following

R E P O R T

[To accompany H.R. 3994]

[Including cost estimate of the Congressional Budget Office]

The Committee on International Relations, to whom was referred the bill (H.R. 3994) to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINITION.

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

(b) 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. Principles of assistance.
Sec. 104. Authorization of assistance.
Sec. 105. Promoting cooperation in major opium producing regions of Afghanistan.
Sec. 106. Coordination of assistance.
Sec. 107. Administrative provisions.
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.
Sec. 205. Authority to provide assistance.
Sec. 206. Sunset.

(c) DEFINITION.—In this Act, the term "Government of Afghanistan" includes the government of any political subdivision of Afghanistan, and any agency or instrumentality of the Government of Afghanistan.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

SEC. 101. 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's agriculture, health care, and educational systems.

(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 imperatives, 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. 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, multiethnic, 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, as may be decided through the convening of a traditional Afghan assembly or "Loya Jirga" as agreed to on December 5, 2001, in Bonn, Germany;

(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; and

(8) to include specific resources to the Ministry for Women's Affairs of Afghanistan to carry out its responsibilities for legal advocacy, education, vocational training, and women's health programs.

SEC. 103. PRINCIPLES OF ASSISTANCE.

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

(1) TERRORISM AND NARCOTICS CONTROL.—Assistance should be designed to reduce the likelihood of harm to United States and other allied forces in Afghanistan and the region, the likelihood of additional acts of international terrorism emanating from Afghanistan, and the cultivation, production, trafficking, and use of illicit narcotics in Afghanistan.

(2) ROLE OF WOMEN.—Assistance should increase the participation of women at the national, regional, and local levels in Afghanistan, wherever feasible, by enhancing the role of women in decisionmaking processes, as well as by providing support for programs that aim to expand economic and educational opportunities and health programs for women and educational and health programs for girls.

(3) AFGHAN OWNERSHIP.—Assistance should build upon Afghan traditions and practices. The strong tradition of community responsibility and self-reliance in Afghanistan should be built upon to increase the capacity of the Afghan people and institutions to participate in the reconstruction of Afghanistan.

(4) STABILITY.—Assistance should encourage the restoration of security in Afghanistan, including, among other things, the disarmament, demobilization, and reintegration of combatants, and the establishment of the rule of law, including the establishment of a police force and an effective, independent judiciary.

(5) COORDINATION.—Assistance should be part of a larger donor effort for Afghanistan. The magnitude of the devastation—natural and man-made—to institutions and infrastructure make it imperative that there be close coordination and collaboration among donors. The United States should endeavor to assert its leadership to have the efforts of international donors help achieve the purposes established by this title.

SEC. 104. AUTHORIZATION OF ASSISTANCE.

(a) IN GENERAL.—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.

(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.

(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—

(i) eradicate opium poppy, establish crop substitution programs, 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;

(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;

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

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

(B) For each of the fiscal years 2002 through 2005, not less than $15,000,000 of the amount made available to carry out this title should 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; and

(K) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers.

(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;

(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, 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;

(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 and support human rights monitoring;

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

(xi) 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.

(B) For each of the fiscal years 2002 through 2005, not less than $10,000,000 of the amount made available to carry out this title should 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)(x).

(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 microenterprise 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.

(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—

(A) with respect to assistance for fiscal year 2003, the President first determines and certifies to Congress that a traditional Afghan assembly or "Loya Jirga" has been convened and has decided on a broad-based, multi-ethnic, gender-sensitive, fully representative transitional authority for Afghanistan; and

(B) with respect to assistance for fiscal years 2004 and 2005, the President first determines and certifies to Congress with respect to the fiscal year involved that substantial progress has been made toward adopting a constitution and establishing a democratically elected government for Afghanistan.

(2) WAIVER.—

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

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include—

(i) a full and complete description of the vital national interest of the United States that is placed at risk by reason the application of subparagraph (A) or (B) of paragraph (1), as the case may be; and

(ii) an analysis of the risk described in clause (i) versus the risk to the vital national interest of the United States by reason of the failure to exercise the waiver authority of subparagraph (A).

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

(a) IN GENERAL.—Except as provided in subsection (b), a portion of the amount made available to carry out this title for a fiscal year shall be available for assistance in the major opium producing regions of Afghanistan, including areas within the Badakshan, Helmand, and Qandahar provinces with the goal of assisting in the elimination of poppy cultivation. Assistance under the preceding sentence shall be provided in coordination with the Government of Afghanistan, in consultation with the local leaders of such regions, and in coordination with the counter-narcotics efforts of other donors, particularly the United Nations Drug Control Program (UNDCP), and the European Union and its member states.

(b) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), amounts made available to carry out this title for a fiscal year (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of section 104(a)) may not be provided to an opium producing region if, with respect to such region, the Government of Afghanistan does not actively, effectively, and vigorously participate in illicit narcotics suppression activities or if, beginning on September 30, 2003, opium is produced (other than in a de minimis amount, as measured by surveys conducted by the United States Government, the United Nations Drug Control Program, or other reliable sources) in such region. Amounts withheld from an opium producing region by reason of the application of the preceding sentence shall be redistributed to qualifying opium producing regions.

(2) WAIVER.—

(A) IN GENERAL.—The President may waive the restriction on assistance under the first sentence of paragraph (1) with respect to an opium producing region if the President first determines and certifies to Congress that it is in the vital national interest of the United States to do so.

(B) CONTENTS OF CERTIFICATION.—A certification transmitted to Congress under subparagraph (A) shall include—

(i) a full and complete description of the vital national interest of the United States that is placed at risk if assistance to the opium producing region involved is not provided under this section; and

(ii) an analysis of the risk described in clause (i) versus the risk to the vital national interest of the United States by reason of the failure to exercise the waiver authority of subparagraph (A).

(c) ADDITIONAL REQUIREMENT.—The coordinator designated by the President pursuant to section 106(a) and other appropriate officers of the Department of State and the United States Agency for International Development shall ensure that assistance under this title is provided, in appropriate amounts, to opium producing regions of Afghanistan consistent with the requirements of subsections (a) and (b).

SEC. 106. COORDINATION OF ASSISTANCE.

(a) DESIGNATION OF COORDINATOR.—The President is strongly urged to 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) ADDITIONAL REQUIREMENT.—An individual designated by the President as coordinator pursuant to subsection (a) may only be an individual who is appointed by the President by and with the advice and consent of the Senate.

SEC. 107. 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 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) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount made available to a Federal department or agency to carry out this title for a fiscal year may be used by the department or agency for administrative expenses in connection with such assistance.

(d) MONITORING.—

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

(2) INSPECTOR GENERAL OF USAID.—

(A) IN GENERAL.—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.

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

(e) CONGRESSIONAL NOTIFICATION PROCEDURES.—Funds made available to carry out this title may not be obligated until 15 days after notification of the proposed obligation of the funds has been provided to the congressional committees specified in section 634A of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

(f) AUTHORITY TO PROVIDE ASSISTANCE.—Assistance under this title may be provided notwithstanding any other provision of law.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the President to carry out this title $200,000,000 for fiscal year 2002, $300,000,000 for each of the fiscal years 2003 and 2004, and $250,000,000 for fiscal year 2005. Amounts authorized to be appropriated pursuant to the preceding sentence for fiscal year 2002 are in addition to amounts otherwise available for assistance for Afghanistan.

(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 104(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. SUPPORT FOR SECURITY DURING TRANSITION IN AFGHANISTAN.

It is the sense of Congress that, during the transition to a broad-based, multiethnic, 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;

(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. AUTHORIZATION OF ASSISTANCE.

(a) TYPES OF ASSISTANCE.—

(1) IN GENERAL.—(A) To the extent that funds are appropriated in any fiscal year for the purposes of this Act, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, counter-narcotics, crime control and police training services, and other support (including training) to the Government of Afghanistan.

(B) To the extent that funds are appropriated in any fiscal year for these purposes, the President may provide, on such terms and conditions as he may determine, defense articles, defense services, and other support (including training) to eligible foreign countries and eligible international organizations.

(C) The assistance authorized under subparagraph (B) shall be used for directly supporting the activities described in section 203.

(2) DRAWDOWN AUTHORITY.—The President is authorized to direct the drawdown of defense articles, defense services, and military education and training for the Government of Afghanistan, eligible foreign countries, and eligible international organizations.

(3) AUTHORITY TO ACQUIRE BY CONTRACT OR OTHERWISE.—The assistance authorized under paragraphs (1) and (2) and under Public Law 105–338 may include 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)(2) may not exceed $300,000,000, provided that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1).

SEC. 203. ELIGIBLE FOREIGN COUNTRIES AND ELIGIBLE INTERNATIONAL ORGANIZATIONS.

A foreign country or international organization shall be eligible to receive assistance under section 202 if such foreign country or international organization is participating in or directly supporting United States military activities authorized under Public Law 107–40 or is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country, except that no country the government of which has been determined by the Secretary of State to have repeatedly 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. 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 under 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 authorized to remain available until expended, and are in addition to amounts otherwise available for the purposes described in this title.

SEC. 205. AUTHORITY TO PROVIDE ASSISTANCE.

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

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

(1) AUTHORITY.—The President may provide assistance under this title to any eligible foreign country or eligible international organization notwithstanding any other provision of law (other than provisions of this title) 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 of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination at least 15 days in advance of providing such assistance.

(2) NOTIFICATION.—The report described in paragraph (1) 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. SUNSET.

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

PURPOSE AND SUMMARY

The Afghanistan Freedom Support Act of 2002 (H.R. 3994), as reported out of the Committee on International Relations with two amendments, is intended to promote the reconstruction of an independent, prosperous and democratic Afghanistan. The goals and objectives of this legislation are to provide assistance to the people of Afghanistan for the purposes of alleviating suffering, aiding recovery, bolstering stability, and promoting democratic civil government; to provide for the national security of the United States and other nations by eliminating Afghanistan as a source of terrorism and instability in the region; and to provide for the security of the United States and other nations by reducing the amount of narcotics grown in or trafficked through Afghanistan.

Specifically, H.R. 3994 authorizes a broad range of development, economic and security assistance for Afghanistan, authorizes $1.05 billion in various assistance activities over 4 years, and provides the Administration with great flexibility to take into account the fluid situation in Afghanistan and the anticipated variety of needs. Title I of the bill authorizes assistance to meet urgent humanitarian needs, such as the provision of food aid and disaster relief, and emphasizes the need to assist refugees return to their home communities in Afghanistan when it is safe to do so. Title I also provides for assistance for reconstruction and rehabilitation of basic

infrastructure and assistance to the civil society and interim authority in Afghanistan. It underscores the importance of eradicating poppy cultivation in order to reduce supply and demand for illicit narcotics in Afghanistan and in the region. By emphasizing the importance of supporting stability through employment programs and of improving food security, the health system, and the agricultural sector, title I endorses the priority sectors informed by the latest assessments. Furthermore, title I promotes efforts already underway to improve the education system and support the transparency, accountability and participatory nature of governmental institutions in Afghanistan. Title I establishes only two conditions for providing assistance to Afghanistan, both with national interest waivers (and both of which exempt humanitarian, refugee and human rights assistance): the Government of Afghanistan must fully support counternarcotics efforts; and the people of Afghanistan must follow-through on commitments to peace made in Bonn, Germany in December, 2001. Title II of bill authorizes the provision of security assistance to Afghanistan as well as countries and international organizations supporting the efforts to control terrorism and improve the security situation in Afghanistan, primarily through the drawdown of defense articles and services.

BACKGROUND AND NEED FOR THE LEGISLATION

The President has asked Congress to make available funds to support the reconstruction and development of Afghanistan and has requested $250 million in emergency supplemental FY2002 appropriations for Afghanistan. This supplemental assistance, if appropriated by Congress, will be in addition to nearly $300 million in FY2002 funding already announced and allocated from existing accounts this fiscal year (including from food aid, development assistance, economic support funds, and other accounts). The Afghanistan Freedom Support Act provides the President with this flexibility to address the challenges ahead, and was drafted with the purpose of increasing the President's options and authorities.

In addition to food assistance, refugee relief, and other forms of emergency disaster assistance aimed at saving lives and alleviating suffering since the beginning of this fiscal year, the United States has embarked on a wide-ranging assistance program for Afghanistan including security and counternarcotics assistance, transition assistance for Afghanistan's interim government, aid for schools, hospitals and farms, and support to reestablish the participation of women and girls in society, education and the workplace. Afghanistan's full recovery will take years, however, and the Administration needs to take a long-term perspective in planning its assistance. It also needs the flexibility and relative certainty of a dedicated fund for Afghanistan freed of many of the limitations of the Foreign Assistance Act as well as the competing demands on foreign assistance funding from existing accounts.

The United States will be required to maintain strategic focus in order to overcome the magnitude of poverty, destruction and economic distress in Afghanistan. Instead of relying on emergency appropriations, the Committee favors establishment of a separate account and the appointment of a single coordinator of assistance. The availability of dedicated funding for a 4-year period will allow the Administration to implement a strategic assistance plan for Af-

ghanistan, and the early establishment of this fund, as authorized by this bill, will be the first step toward development of a coherent planning framework.

At a hearing on March 14, 2002, the Committee on International Relations heard testimony from two witnesses, Administrator Natsios of the U.S. Agency for International Development and Under Secretary Larson from the State Department, on the current assistance needs and challenges in Afghanistan. The witnesses described the immense needs and the desperate situation facing the Afghan people face even after their liberation from the rule of the Taliban. The witnesses also described the variety of agencies involved, necessarily so, in securing a peaceful future for Afghanistan. The variety of departments and agencies involved is staggering.

The U.S. Agency for International Development has been active in delivering humanitarian assistance continuously since 1997, supporting the work of non-governmental organizations in delivering life-saving aid to remote villages affected not only by drought, but also by more than two decades of conflict. Since the fall of the Taliban, USAID has rapidly increased its program and presence, and is now equipping Afghanistan's classrooms and training its teachers, assisting the health system, exploring opportunities to rehabilitate the agriculture sector; and supporting the Interim Authority, by providing technical assistance for the Loya Jirga.

The United Nations and its affiliated specialized agencies, supported strongly by the food donations and cash funding of the United States, continues to eradicate poppies and otherwise fight the trade in illicit drugs, feed hungry people, identify housing and agriculture solutions, vaccinate Afghan children, assist the Interim Authority, and provide protection to refugees and internally displaced persons in Afghanistan and neighboring countries.

The Department of State also has an important role in ensuring overall coordination of U.S. assistance plans with U.S. policy. Beyond its policy coordination and diplomatic role, several bureaus in the State Department administer assistance programs or mandates for Afghanistan. Among these is the Bureau for Population, Refugees and Migration, which is responsible for refugee protection, assistance and resettlement. The Bureau for Political-Military Affairs is responsible for administering part of the United States' mine action program, specifically assistance to provide equipment and technical training to civilian demining teams. The Bureau of International Narcotics and Law Enforcement is in charge of U.S. counternarcotics efforts in the region and around the world. The Bureau of Democracy, Human Rights and Labor is also expected to advance U.S. goals in Afghanistan by funding programs that promote the respect for human rights and the development of democratic institutions.

The Defense Department continues its assistance activities inside Afghanistan, through the use of Civil Affairs teams who are working side-by-side with Afghan officials at the village-level to improve infrastructure by rebuilding roads, runways and schools. Earlier in the campaign, the Defense Department joined in on the relief mission by airdropping food rations to needy populations otherwise inaccessible by relief agencies and the United Nations.

In a recent announcement during the visit of Afghan Interim Authority Chair Hamid Karzai, Cabinet officials of the Bush Administration announced additional assistance activities to be administered by their respective departments: the Department of Labor, the Department of Health and Human Services, and the Department of Education. We understand that the Peace Corps, the Overseas Private Investment Corporation, the Trade Development Agency, and the Export-Import Bank of the United States each see a role for themselves in Afghanistan. Furthermore, the Centers for Disease Control and Prevention, the U.S. Department of Agriculture, and the Treasury Department each have their own roles and programs in Afghanistan, either in the field or here in Washington.

A coordinator is clearly needed to ensure unity of effort among various agencies of the United States Government, as well as coordination of our strategy with other donors and with the United Nations. The Committee encourages the Administration to identify a coordinator who can develop and consult with Congress a coherent assistance strategy that covers all facets of aid contemplated and authorized in this bill.

The bill provides that the United States should give high priority to drug control activities. Neither the Afghan government, the United States, nor the international community had planned, at the time the bill was marked up, to provide significant assistance to areas where opium is being grown.

Afghanistan has in recent years been the source of the great majority of the world's opium. Opium is typically converted in heroin either in Afghanistan or in nearby countries. The opium trade helps fund terrorists and results in untold suffering of addicts and in criminal activity of all sorts. The Afghan government has declared its commitment to suppress the cultivation of opium and trafficking in it. However, it has few resources to translate its policy into action.

Recognizing that local authorities in various regions of Afghanistan need incentives to cooperate in narcotics suppression activities, the Committee's bill provides for significant United States assistance to be furnished to opium growing regions. However, such assistance, other than for humanitarian purposes, is to be transferred away from opium growing regions where the authorities do not cooperate in narcotics suppression activities or where, after September 30, 2003, opium is grown other than in de minimus amounts. The funds are to be redirected to those opium growing regions where the authorities cooperate on this priority.

The Committee has learned that international agencies are not taking narcotics control efforts adequately into consideration in their operations in Afghanistan. The bill directs the Administration to seek the cooperation of international organizations in this respect.

The United States has an essential role to play in Afghanistan's recovery from the horrific conflict and devastation of the past 30 years. But the Administration needs a coherent strategy and structure in place in order to achieve the United States' objectives of eliminating terrorism, securing the peace, combating drugs, promoting democracy, delivering aid to those in need, establishing a market economy including private financial institutions, developing

an energy and telecommunications infrastructure, providing for the reconstruction of Kabul and other major cities in the country, and safeguarding the human and civil rights of all, particularly women and children. This legislation will assist the Administration to develop a strategic approach to the assistance needs of Afghanistan. By authorizing a significant, 4-year, flexible fund for the purpose of dealing with the special situation we find in Afghanistan, this legislation will give the Administration great flexibility to design and implement a comprehensive assistance strategy in line with U.S. priorities and objectives in that troubled country.

HEARINGS

The Committee held hearings on Afghanistan on November 7, 2001 and March 14, 2002. In November, testimony was received from Ambassador Peter Tomsen, University of Nebraska; Dr. Barnett Rubin, New York University; Dr. Elie Krakowski, Johns Hopkins University; Stephen Philip Cohen, Brookings Institution; M. Hasan Nouri, International Orphan Care; and Qayum Karzai, Afghans for Civil Society. At the March hearing, testimony was received from Andrew S. Natsios, Administrator, U.S. Agency for International Development; and Alan Larson, Under Secretary for Economic and Business Affairs, Department of State.

COMMITTEE CONSIDERATION

On March 20, 2002, the Committee on International Relations marked up the bill, H.R. 3994, pursuant to notice, in open session. The Committee adopted two amendments and, a quorum being present, agreed by voice vote to a motion offered by Chairman Hyde to favorably report the bill, as amended, to the House of Representatives. By unanimous consent the Committee ordered that the bill be reported in the form of an amendment in the nature of a substitute reflecting the amendments adopted in Committee.

VOTES OF THE COMMITTEE

There were no recorded votes during the consideration of the bill.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R.3994, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 16, 2002.

Hon. HENRY J. HYDE, *Chairman,*
Committee on International Relations,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3994, the Afghanistan Freedom Support Act of 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Joseph C. Whitehill, who can be reached at 226–2840.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable Tom Lantos,
Ranking Democratic Member.

H.R. 3994—Afghanistan Freedom Support Act of 2002

SUMMARY

H.R. 3994 would authorize economic and military assistance to the government of Afghanistan for 2002 through 2005. The bill would authorize the appropriation of $1,050 million for humanitarian and economic assistance over the 2002–2005 period and an indefinite amount for military assistance. CBO estimates that implementing H.R. 3994 would cost $1.2 billion over the 2002–2007 period, assuming the appropriation of the necessary funds. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply.

H.R. 3994 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of State, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 3994 is shown in the following table. This estimate assumes the legislation will be enacted before July 1, 2002. The estimate also assumes that the amounts authorized for 2002 would be provided in a supplemental appropriation by July 1, 2002, and that amounts authorized for 2003, 2004, and 2005 would be provided in annual appropriation acts by the start of each fiscal year. The costs of this legislation fall within budget function 150 (international affairs).

By fiscal year, in millions of dollars

	2002	2003	2004	2005	2006	2007
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Afghanistan						
Budget Authority/Estimated Authorization Level [1]	320	80	0	0	0	0
Estimated Outlays	268	162	51	12	3	1
Proposed Changes						
Estimated Authorization Level	255	400	400	300	0	0
Estimated Outlays	56	189	280	307	235	132
Spending Under H.R. 3994 for Afghanistan						
Estimated Authorization Level	572	480	400	30	0.0	0
Estimated Outlays	324	351	331	319	238	133

[1] The 2002 level is the amount appropriated for that year. The estimated authorization level for 2003 is for food-aid to Afghanistan.

BASIS OF ESTIMATE

In October 2001, the President announced that the United States would provide $320 million for humanitarian assistance to the people of Afghanistan out of the Emergency Response Fund or other appropriations available for 2002. Most of those funds have been committed to specific activities. H.R. 3994 would authorize the appropriation of an additional $200 million for humanitarian and economic assistance in 2002, $300 million a year in 2003 and 2004, and $250 million in 2005 for similar purposes. In addition, the bill would authorize the President to provide military assistance to the government of Afghanistan including the authority to use $300 million from the resources of the Department of Defense.

Title I would authorize assistance for urgent humanitarian needs, assistance for repatriating and resettling refugees and internally displaced persons, funding for narcotics control programs, and other economic assistance to establish a viable nation-state with a market economy. The mix of programs that might be established to provide this assistance is not specified in the bill. Rather, the determination of the programs and spending levels would be left to the President based on policy choices that have not yet been made. For the purposes of this estimate, CBO assumes that the amounts authorized for 2002 are the same as the President's supplemental request for Afghanistan: $80 million in economic support, $60 million for international narcotics control and law enforcement, $40 million in disaster assistance, $20 million for international peacekeeping operations, and $5 million for administrative expenses. In 2003 through 2005, CBO assumes that the mix of programs will shift from fast-disbursing humanitarian relief to slower spending economic assistance.

The bill does not authorize a specific amount for military assistance in title II, instead the bill would authorize the President to provide defense articles, defense services, and military education and training services on such terms and conditions as he may determine. CBO assumes a funding level for 2002 equal to the President's supplemental request of $50 million for foreign military financing for Afghanistan and total funding over the four-year period of $300 million, an amount equal to the drawdown limit set by the bill. CBO estimated outlays for these programs using historical spending patterns for similar programs in other countries.

PAY-AS-YOU-GO CONSIDERATIONS:

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 3994 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of State, local, or tribal governments.

ESTIMATE PREPARED BY:

Federal Costs: Joseph C. Whitehill (226–2840)
Impact on State, Local, and Tribal Governments: Elyse Goldman (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2940)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

PERFORMANCE GOALS AND OBJECTIVES

The goals and objectives of this legislation are to provide assistance to the people of Afghanistan for the purposes of alleviating suffering, aiding recovery, bolstering stability, and promoting democratic civil government, to provide for the national security of the United States and other nations by eliminating Afghanistan as a source of terrorism and instability in the region, and to provide for the security of the United States and other nations by reducing the amount of narcotics grown in or trafficked through Afghanistan.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8, clause 18 of the Constitution (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the government of the United States).

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title. Section 1 cites the act as the "Afghanistan Freedom Support Act of 2002."

Title I—Economic and Democratic Development Assistance for Afghanistan

Section 101. Declaration of Policy. This section articulates numerous declarations of Congressional policy on the special emergency situation in Afghanistan. The United States and the international community should support efforts that advance the development of democratic civil society in Afghanistan, and that the United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs as well as assist Afghan authorities to reconstruct Afghanistan's agriculture, health and education systems as well as fight the production and flow of illicit narcotics. By providing assistance and promoting peace and

security in Afghanistan, the United States can ensure that Afghanistan never again becomes a source for international terrorism. The United States should support the objectives agreed to in December, 2001 in Bonn, Germany by Afghan representatives who agreed upon the provisional and permanent establishment of institutions of government. In order to provide such assistance, 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 assistance for Afghanistan should be established for this purpose.

Section 102. Purposes of Assistance. This section articulates in general terms that the purposes of assistance authorized by title I are to help assure the security of the United States forces in Afghanistan; to reduce the chance that Afghanistan will again be a source of international terrorism; to support continued efforts at addressing humanitarian and refugee crisis in Afghanistan and the region; to support the reconstruction of Afghanistan through programs that create jobs, facilitate clearance of landmines, and rebuild the agricultural sector, the health care system, and the educational system of Afghanistan; to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and to fight the production and flow of illicit narcotics; and to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multiethnic, gender-sensitive, fully representative government freely chosen by the Afghan people.

Section 103. Purposes of Assistance. This section establishes principles that should undergird the provision of assistance authorized by title I. These principles are that assistance should be designed to reduce the likelihood of harm to United States forces in the region; reduce the likelihood of additional acts of international terrorism emanating from Afghanistan; and reduce the cultivation, production, trafficking, and use of illicit narcotics in Afghanistan. Assistance should increase the participation of women at all levels, wherever feasible by expanding economic and educational opportunity for women. Such assistance should build upon Afghan traditions and practices, and should encourage the restoration of security in Afghanistan, including among other things, the disarmament, demobilization, and reintegration of combatants, and the establishment of the rule of law. All assistance should be part of a larger donor effort, and should be fully coordinated with other donors while the United States asserts its leadership to have the efforts of international donors help achieve the purposes established by title I.

Section 104. Authorization of Assistance. This section authorizes six different general categories of assistance (urgent humanitarian needs, repatriation and resettlement of refugees and internally displaced persons; counternarcotics efforts; reestablishment of food security, rehabilitation of the agriculture sector, and improvement in health conditions; reestablishment of Afghanistan as a viable nation-state; and promotion of market economy). It provides (subject to a national interest waiver) that if the essentials of the Bonn Process are not followed, non-humanitarian aid may not be provided under title I.

The Committee notes the extensive history of The Asia Foundation's presence in Afghanistan. The Foundation had offices and programs in Afghanistan for 26 years prior to the Soviet incursion of 1979, and thereafter continued its operations in Peshawar through the 1990's. Currently, the Foundation is providing immediate assistance to the interim Afghan government, notably to the Ministries of Women's Affairs, Higher Education, and Foreign Affairs.

The Committee urges allocation of sufficient funding for the Foundation's time-sensitive work in four vital areas: promoting broad and representative local participation in the coming *Loya Jirga*, or National Council; ensuring the participation of women in that process and in future public and professional life in Afghanistan, including the maintenance of Constitutional protection for the rights of women; providing training to Afghanistan's inexperienced diplomatic corps as it reenters normal relations with other nations; and reestablishing an effective system of higher education in Afghanistan.

Section 105. Promoting Cooperation in Major Opium Producing Regions of Afghanistan. This section discusses counter-narcotics in particular (providing that assistance flow to areas where narcotics are grown so as to support crop substitution and related programs and conditioning (subject to a national interest waiver) non-humanitarian assistance authorized under title I in specific regions where narcotics are grown on cooperation and performance relative to narcotics eradication; if assistance is withheld from areas because of non-cooperation, the assistance is to be distributed to cooperating areas.)

Section 106. Coordination of Assistance. This section urges the President to designate a coordinator of assistance and policy for Afghanistan who, if appointed and confirmed by the Senate, will have the authority design an overall assistance and economic cooperation strategy for Afghanistan, ensure policy and program coordination among agencies of the United States government in carrying out the policies set forth in title I, ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan, coordinating with other countries and international organizations, and related functions. (This provision tracks language found in the Freedom Support Act and the SEED Act.)

Section 107. Administrative Provisions. This section includes administrative provisions, including the requirement for monitoring of assistance activities by the Comptroller General and the Inspector General of the Agency for International Development.

Section 108. Authorization of Appropriations. This section provides an authorization of appropriations totaling $1.05 billion over years 2002–2005.

Title II—Military Assistance for Afghanistan and Certain Other Foreign Countries and International Organizations

Section 201. Support for Security During Transition in Afghanistan. This section expresses the sense of Congress that during the political transition in Afghanistan the United States should support a number of steps that will contribute to a secure environment in Afghanistan.

Section 202. Authorization of Assistance. This section creates several new authorities to provide security assistance to Afghanistan and to eligible foreign countries and international organizations. These authorities (including corresponding authorizations for the appropriation of funds) are in addition to existing authorities to provide assistance to such countries and organizations, and any limitations or restrictions set forth in this title with respect to these new authorities that do not apply to existing authorities are not intended to apply to those existing authorities.

Subsection 202(a)(1) authorizes the President to provide, on such conditions as he may determine and to the extent that funds are appropriated for this purpose, defense articles, defense services, and other support (including training) to the Government of Afghanistan and to eligible foreign countries and eligible international organizations. In the case of the Government of Afghanistan, the President is also authorized to provide counter-narcotics, crime control andpolice training services.

In the case of eligible foreign countries and eligible international organizations, assistance provided pursuant to section 202(a)(1)(B) is to be used for directly supporting the activities of the recipient that qualify it as an eligible foreign country or eligible international organization for purposes of this title. This subsection is intended to authorize the appropriation of such sums as may be necessary to carry out this subsection through December 31, 2004.

Subsection 202(a)(2) authorizes the President to direct the drawdown of defense articles, defense services, and military education and training for the Government of Afghanistan, eligible foreign countries, and eligible international organizations.

Subsection 202(a)(3) provides that assistance authorized under paragraphs (1) and (2) of subsection 202(a) and under the Iraq Liberation Act of 1998 may include 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. The purpose of this provision is to increase the flexibility available to the President to provide assistance pursuant to this title, and in particular to increase the usefulness of the drawdown authority provided under this section and under the Iraq Liberation Act.

Subsection 202(b) provides that the aggregate value of assistance provided under the drawdown authority of subsection 202(a)(2) may not exceed $300,000,000 except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1).

Section 203. Eligible Foreign Countries and Eligible International Organizations. This section provides a definition of eligible foreign countries and eligible international organizations for purposes of this title. No country that has been identified by the Secretary of State as a state sponsor of terrorism may receive assistance under this title.

Section 204. Reimbursement for Assistance. This section provides that 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 contained in subsection (b) of this section. Sub-

section (b) authorizes the appropriation to the President of such sums as may be necessary to reimburse the applicable appropriation fund or account for the value of defense articles, defense services, or military education and training provided under section 202a)(2).

Section 205. Authority to Provide Assistance. This section provides that assistance to the Government of Afghanistan under this title may be provided notwithstanding any other provision of law. This section further provides that assistance to eligible foreign countries and eligible international organizations under this title may be provided notwithstanding any other provision of law, provided that (1) the President determines that such assistance is important to the national security interest of the United States, and (2) notifies the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate of such determination at least 15 days in advance of providing such assistance. Such notification shall include information about the type and amount of assistance proposed to be provided and the actions of the proposed recipient that qualify it as an eligible foreign country or eligible international organization for purposes of this title. The Committee expects that these notifications will be subject to the same procedures that apply to Section 634A of the Foreign Assistance Act.

Section 206. Sunset. This section provides that the authority of this title shall expire on December 31, 2004.

NEW ADVISORY COMMITTEES

H.R. 3994 does not establish or authorize any new advisory Committees.

CONGRESSIONAL ACCOUNTABILITY ACT

H.R. 3994 does not apply to the legislative branch.

FEDERAL MANDATES

H.R. 3994 imposes no Federal mandates.

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