



Legislative Bulletin.....June 6, 2007

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H.R. 2446—Afghanistan Freedom and Security Support Act

Summary of the Bill Under Consideration Today:

Total Number of New Government Programs: several

Total Cost of Discretionary Authorizations: \$6.21 billion over three years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 1

H.R. 2446—Afghanistan Freedom and Security Support Act (*Lantos, D-CA*)

Order of Business: The bill is scheduled to be considered on Wednesday, June 6th, subject to a (likely) structured rule. Amendments made in order under the rule will be summarized in a separate RSC document.

Summary: H.R. 2446 would reauthorize and amend the Afghanistan Freedom Support Act (AFSA) of 2002 ([Public Law 107-327](#)), which authorized democracy, economic development, and military assistance to Afghanistan for fiscal years 2003-2006. H.R. 2446 would authorize the appropriation of over \$2.0 billion per year for economic and military assistance to the government of Afghanistan for fiscal years 2008 through 2010. Highlights by title are as follows:

Title I: Economic and Democratic Development Assistance for Afghanistan

- Makes a dozen congressional findings regarding the ongoing operation of terrorist forces in Afghanistan and the continuing narcotics problems there, including:
 - “Nearly six years after the liberation of Afghanistan from the Taliban, who provided Osama Bin-Laden and Al-Qaeda with a safe haven for planning the attacks of September 11, 2001, Afghanistan remains highly unstable and the Government of President Hamid Karzai remains subject to attacks from remnants of the Taliban who have regrouped along with other insurgent groups, including some foreign fighters associated with Al-Qaeda;
 - “The violence and instability in Afghanistan is further exacerbated by the flourishing trade in opium and opium-related crops, which has reached record levels and which fuel local militias, corrupts the national and local governments, and provides funding for insurgent and terrorist groups;
 - “The United States and the international community must also continue to show a long-term commitment to support the promotion of democracy and the protection of human rights in Afghanistan, including increased assistance for the rule of law, freedom of the press, freedom of association, freedom of religion, and other measures of good governance; and
 - “The security of Afghanistan is closely intertwined with those of its regional neighbors and success in Afghanistan, both economic and political, will be dependent on security and stability in the region.”

- Adds the following to the existing purposes of AFSA humanitarian assistance: establishing a pilot program (authorized at \$10 million a year, FY2008-FY2010) to test the effectiveness of a crop substitution policy combined with an appropriate offset to encourage legitimate alternatives to poppy production, providing practical information on the measures needed to implement such a policy, and providing assistance to the energy sector.

- Specifically authorizes the destruction of drug laboratories.

- Authorizes \$15 million for each of the fiscal years 2008 through 2010 for the United Nations Drug Control Program (same as current law).

- Authorizes, as allowable uses of humanitarian funds, activities for increasing access to credit, savings, and other financial services; medical training and equipment programs; and assistance to rebuild and construct rural and urban roads and highways. Also authorizes assistance for land titling and anti-corruption activities.

- Adds as allowable uses of AFSA assistance the following items for females:
 - (i) to provide equipment, medical supplies, and other assistance to health care facilities for the purpose of reducing maternal and infant mortality and morbidity;
 - (ii) to expand immunization programs for women and children;

(iii) to establish and expand programs to provide services to women and girls suffering from mental illness problems, such as depression, anxiety, and posttraumatic stress disorder;

(iv) to protect and provide services to vulnerable populations, including widows, orphans, and women head of households;

(v) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination, including emergency shelters for women and girls who face danger from violence;

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

(vii) to expand technical and vocational training programs to enable women to support themselves and their families;

(viii) to maintain and expand adult literacy programs, including economic literacy programs that promote the well-being of women and their families;

(ix) to provide special educational opportunities for girls whose schooling was ended by the Taliban and who now face obstacles to participating in the normal education system, such as girls who are now married and girls who are older than the normal age for their classes;

(x) to disseminate information throughout Afghanistan on international standards for human rights, particularly as pertaining to women;

(xi) to provide information and assistance to enable women to exercise property, inheritance, and voting rights, and to ensure equal access to the judicial system;

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

(xiii) to monitor and investigate violations against women and to provide legal assistance to women who have suffered violations of their rights;

(xiv) to increase political and civic participation of women in all levels of society, including the criminal justice system;

(xv) to provide information and training related to human rights, particularly as pertaining to women, to military, police, and legal personnel; and

(xvi) to provide assistance to the Ministry of Women's Affairs and the Afghan Independent Human Rights Commission for programs to advance the status of women.

- Authorizes for each of fiscal years 2008 through 2010: \$5.0 million for the Afghan Ministry of Women's Affairs; \$10 million for the Afghan Independent Human Rights Commission; and \$30.0 million for grants to Afghan-led nongovernmental organizations (NGOs), including Afghan women-led NGOs.
- Authorizes \$75 million for each of fiscal years 2008 through 2010 for assistance for energy development and short-term energy supply.
- Adds the following as allowable uses for AFSA funds: programs to increase the capacity and improve the sustainability of Afghan national, provincial, and local governmental institutions.
- Requires the President to annually certify (beginning in October 2008) whether or not any senior official of the Government of Afghanistan, at the provincial or local levels, engages in or benefits from the illegal narcotics trade or engages in terrorist or criminal activities. Any such senior official would have to be named in the report.

- Conditions all assistance to Afghanistan, beginning in fiscal year 2009, on the certification (above) that no senior officials are involved in the illegal drug trade, other criminal activities, or terrorism.
- Directs the President to establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this title on a program-by-program basis “to maximize the long-term sustainable development impact of such assistance.”
- Directs the President to create quantifiable performance goals and indicators for assistance provided under this title, which would serve as the basis for any recommended changes to authorized assistance.
- Authorizes not less than 5% of the total AFSA assistance authorized under Title I for the monitoring and evaluation of such assistance.
- Requires the President to appoint, not later than 90 days after the enactment of this bill, a Senate-confirmed coordinator of U.S. assistance to Afghanistan, who would report directly to the President, have the rank of Ambassador, and not hold any other position in the U.S. Government. Allows the coordinator to appoint deputies and repeals the existing section of AFSA creating a coordinator with less robust authority.
- Directs the Secretary of State to establish a 20-student pilot program each year (FY2008-FY2010) to provide scholarships to undergraduate and graduate Afghan students for public policy scholarships in the United States, with the goal of increasing the abilities of the Afghan Government.
- Replaces the current “such sums” authorization for AFSA (through FY2006) with \$1.6 billion for each of fiscal years 2008 through 2010.

Title II: Assistance for a New Security Framework for Afghanistan

- Reduces from \$550 million to \$300 million the amount that the Department of Defense (DoD) could spend in any year on military equipment and services for Afghanistan, with an emphasis on interoperability among the U.S., the International Security Assistance Force, and Afghanistan.
- Authorizes \$10 million for each of fiscal years 2008 through 2010 for the President to provide a discount of up to 5% of the sale price of U.S. defense items, if the purchasing nation will use such items or defense items it already possesses of comparable quality and quantity, in military operations in Afghanistan “for an extended period of time” (not defined).
- Extends AFSA from September 30, 2006 to September 30, 2010.

- Requires the President to direct the Armed Forces to support counter-narcotics interdiction operations in Afghanistan, consistent with ongoing operational activities, . in coordination with the Government of Afghanistan and with support from the United Kingdom and “other appropriate countries.” Included in such support would be an enhancement of civilian counter-narcotics teams, including the existing Afghan National Interdiction Unit. Counter-narcotics law enforcement personnel of NATO and other friendly countries could participate on the teams or in other U.S.–supported counter-narcotic operations.
- States that it is U.S. policy to encourage the Governments of Pakistan and other friendly Arab countries to increase reconstruction assistance and diplomatic support for Afghanistan.
- Directs the President to encourage the Governments of Pakistan and Afghanistan to engage in greater military cooperation to promote greater trust and transparency between them. The President would have to report to Congress twice a year on the progress of such encouragement.
- Authorizes \$10 million for each of fiscal years 208 through 2010 for the President to furnish training for military personnel of foreign countries that are to be deployed for security operations in Afghanistan, particularly in the areas of special operations, counter-insurgency, border security, counter-terrorism, and counter-narcotics.
- Directs the President to report on the feasibility of expanding the financial assistance to families who have lost a family member during U.S. military operations.
- Expresses a sense of Congress that the United Nations Security Council should expand the United Nations mandate in Afghanistan to:
 - “authorize international civilian law enforcement missions in Afghanistan as a part of peace operations of the United Nations in Afghanistan;
 - “authorize the International Security Assistance Force to participate in counter-drug interdiction operations, consistent with ongoing operational activities and as opportunities arise, against the top narcotic traffickers, their operations, and their infrastructure in Afghanistan, with the concurrence of the Government of Afghanistan;
 - “install effective centralized authority within the United Nations Special Representative for Afghanistan such that the international community’s political objectives can be prioritized and communicated directly with the Government of Afghanistan; and
 - “extend the authorization of the International Security Assistance Force beyond October 13, 2007.”

Title III: Miscellaneous Provisions

- Requires a biannual report from the President to Congress on a comprehensive set of performance indicators and measures for progress toward political, military, and

economic security and stability in Afghanistan. The bill includes a long, detailed list of dozens of factors that would have to be included as measures of such progress.

- Requires the President to formulate a comprehensive, interagency strategy for long-term security and stability in Afghanistan. The strategy would have to address three main areas: 1) reinvigorated reconstruction activities and provincial reconstruction teams, 2) a counter-narcotics strategy, and 3) the sustainability of the Afghanistan National Security Forces. Required details in each area are outlined in the legislation. The President would have to update this comprehensive strategy every three months through the end of FY2010.
- Authorizes the President to appoint a special Senate-confirmed envoy with the rank of Ambassador-at-Large to promote closer cooperation between Afghanistan and Pakistan, cooperation which the bill describes as “strongly in the national interest.”
- Makes a statement of U.S. policy to “use all appropriate means” to encourage Pakistan to permit Indian shipments of equipment and material across the territory of Pakistan to Afghanistan in support of Indian reconstruction and development projects in Afghanistan. The President would have to report annually to Congress on Pakistani actions to allow or impede such Indian shipments, unless the shipments are no longer required.
- Authorizes “such sums as may be necessary” for fiscal years 2008 through 2010 to the Broadcasting Board of Governors for grants to support 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan to the Afghan people. The legislation notes that Radio Free Afghanistan is the leading broadcaster in Afghanistan, with an audience of “nearly 60 percent of the adult population.”

Additional Background: To see the RSC Legislative Bulletin on AFSA, as it came to the House floor in 2002, visit this webpage: <http://www.house.gov/hensarling/rsc/doc/Lb52102.pdf>.

The U.S. invaded Afghanistan on October 7, 2001 (Operation Enduring Freedom), in response to the September 11, 2001 attacks on the United States and with the goals of apprehending Osama bin Laden, destroying Al-Qaeda, and overthrowing the Taliban regime. The U.S. and Britain led the campaign from the air, with ground forces supplied primarily by the Afghan Northern Alliance and supplemented by NATO troops.

Committee Action: On May 2, 2007, the bill was referred to the Foreign Affairs Committee, which, on the next day, marked it up and ordered the bill reported to the full House by voice vote.

Administration Position: The authorization levels in this bill closely mirror the Administration’s request, according to the Republican staff of the Foreign Affairs Committee.

Cost to Taxpayers: CBO estimates that H.R. 2446 would authorize appropriations of \$2.07 billion in FY2008 and \$6.21 billion over the FY2008-FY2010 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill would create several new programs and authorities for assisting Afghanistan.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The Foreign Affairs Committee, in House Report 110-170, asserts that, “H.R. 2446 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.”

Constitutional Authority: The Foreign Affairs Committee, in House Report 110-170, cites constitutional authority in Article I, Section 8, but fails to cite a specific clause. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific powers* granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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