

SUBCHAPTER II—MILITARY ASSISTANCE
FOR AFGHANISTAN AND CERTAIN OTHER
FOREIGN COUNTRIES AND INTER-
NATIONAL ORGANIZATIONS

**§ 7531. Support for security during transition in
Afghanistan**

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, 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 and prohibits the use of children as soldiers or combatants;
- (2) the creation and training of a professional civilian police force that respects human rights; and
- (3) a multinational security force in Afghanistan.

(Pub. L. 107-327, title II, §201, Dec. 4, 2002, 116 Stat. 2807.)

§ 7532. Authorization of assistance

(a) Drawdown authority

(1) In general

The President is authorized to exercise his authorities under section 2318 of this title to direct the drawdown of defense articles, defense services, and military education and training—

- (A) for the Government of Afghanistan, in accordance with this section; and
- (B) for eligible foreign countries, and eligible international organizations, in accordance with this section and sections 7533 and 7535 of this title.

(2) Authority to acquire by contract or otherwise

The assistance authorized under paragraph (1) 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 2403(m) of this title) of assistance provided under subsection (a) of this section may not exceed \$550,000,000, except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 7534(b)(1) of this title and shall not count toward any limitation contained in section 2318 of this title.

(Pub. L. 107-327, title II, §202, Dec. 4, 2002, 116 Stat. 2807; Pub. L. 108-106, title II, §2206, Nov. 6, 2003, 117 Stat. 1231; Pub. L. 108-287, title IX, §9008, Aug. 5, 2004, 118 Stat. 1008.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-287 substituted “\$550,000,000” for “\$450,000,000”.
2003—Subsec. (b). Pub. L. 108-106 substituted “\$450,000,000” for “\$300,000,000”.

§ 7533. Eligible foreign countries and eligible international organizations

(a) In general

Except as provided in subsection (b) of this section, a foreign country or international organization shall be eligible to receive assistance under section 7532 of this title if—

- (1) such country or organization is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country; and
- (2) such assistance is provided specifically for such operations in Afghanistan.

(b) Exception

No country the government of which has been determined by the Secretary of State to have repeatedly engaged in gross violations of human rights, or provided support for acts of international terrorism under section 2371 of this title, section 2405(j)(1) of title 50, Appendix, or section 2780(d) of this title shall be eligible to receive assistance under section 7532 of this title.

(Pub. L. 107-327, title II, §203, Dec. 4, 2002, 116 Stat. 2807.)

§ 7534. Reimbursement for assistance

(a) In general

Defense articles, defense services, and military education and training provided under section 7532(a)(2) of this title 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 in subsection (b)(1) of this section.

(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 2403(m) of this title) of defense articles, defense services, or military education and training provided under section 7532(a)(2) of this title.

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to amounts otherwise available for the purposes described in this subchapter.

(Pub. L. 107-327, title II, §204, Dec. 4, 2002, 116 Stat. 2808.)

§ 7535. Congressional notification requirements

(a) Authority

The President may provide assistance under this subchapter to any eligible foreign country or eligible international organization 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 and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate

of such determination at least 15 days in advance of providing such assistance.

(b) Notification

The report described in subsection (a) of this section shall be submitted in classified and unclassified form and 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.

(Pub. L. 107-327, title II, §205, Dec. 4, 2002, 116 Stat. 2808.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7536. Promoting secure delivery of humanitarian and other assistance in Afghanistan and expansion of the International Security Assistance Force

(a) Findings

Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it is no longer a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the functioning of the Government of Afghanistan and the traditional Afghan assembly or “Loya Jirga” process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5)(A) On July 6, Vice President Haji Abdul Qadir was assassinated in Kabul by unknown assailants.

(B) On September 5, 2002, a car bomb exploded in Kabul killing 32 and injuring 150 and on the same day a member of Kandahar Governor Sherzai’s security team attempted to assassinate President Karzai.

(6) The violence and lawlessness may jeopardize the “Loya Jirga” process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for al-Qaida, Taliban forces, and drug traffickers.

(7) The lack of security and lawlessness may also perpetuate the need for United States Armed Forces in Afghanistan and threaten the

ability of the United States to meet its military objectives.

(8) The International Security Assistance Force in Afghanistan, currently led by Turkey, and composed of forces from other willing countries without the participation of United States Armed Forces, is deployed only in Kabul and currently does not have the mandate or the capacity to provide security to other parts of Afghanistan.

(9) Due to the ongoing military campaign in Afghanistan, the United States does not contribute troops to the International Security Assistance Force but has provided support to other countries that are doing so.

(10) The United States is providing political, financial, training, and other assistance to the Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(11) Because of these immediate security needs, the Government of Afghanistan, its President, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

(b) Statement of policy

It should be the policy of the United States to support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

(c) Implementation of strategy

(1) Initial report

Not later than 60 days after December 4, 2002, the President shall provide the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate with—

(A) a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government, including an update to the strategies submitted pursuant to Public Law 107-206; and

(B) a description of the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this chapter.