

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.

**(2) Implementation of strategy**

Every 6 months after December 4, 2002, through January 1, 2010, the President shall submit to the congressional committees specified in paragraph (1) a report on the implementation of the strategies for meeting the immediate and long-term security needs of Afghanistan, which shall include the following elements—

(A) since the previous report, the progress in recruiting, training, and deploying an Afghan National Army and police force, including the numbers and ethnic composition of recruits; the number of graduates from military and police training; the numbers of graduates retained by the Afghan National Army and police forces since the previous report; the numbers of graduates operationally deployed and to which areas of the country; the degree to which these graduates are assuming security responsibilities; whether Afghan army and police units are establishing effective central governmental authority over areas of the country, and which areas; and the numbers of instances of armed attacks against Afghan central governmental officials, United States or international officials, troops or aid workers, or between the armed forces of regional leaders;

(B) the degree to which armed regional leaders are cooperating and integrating with the central government, providing security and order within their regions of influence, engaging in armed conflict or other forms of competition that are deleterious to peace, security, and the integration of a unified Afghanistan under the central government;

(C) the amount of humanitarian relief provided since the previous report to returnees, isolated populations and other vulnerable groups, as well as demining assistance and landmine survivors rehabilitation; and the numbers of such persons not assisted since the previous report;

(D) the steps taken since the previous report toward national reconstruction, including establishment of the ministries and other institutions of the Government of Afghanistan;

(E) the numbers of Civil Affairs Teams working with regional leaders, as well as the quick impact infrastructure projects undertaken by such teams since the previous report;

(F) efforts undertaken since the previous report to rebuild the justice sector, including the establishment of a functioning judiciary, a competent bar, reintegration of women legal professionals and a reliable penal system, and the respect for human rights; and

(G) a description of the progress of the Government of Afghanistan with respect to the matters described in paragraph (1)(B).

**(d) Expansion of the International Security Assistance Force****(1) Efforts to expand international peacekeeping and security operations in Afghanistan****(A) Efforts**

The President shall encourage, and, as authorized by law, enable other countries to

actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

**(B) Reports**

The President shall prepare and transmit a report on the efforts carried out pursuant to subparagraph (A) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The first report under this subparagraph shall be transmitted not later than 60 days after December 17, 2004, and subsequent reports shall be transmitted every 6 months thereafter and may be included in the report required by subsection (c)(2) of this section.

**(2) Authorization of appropriations**

(A) There is authorized to be appropriated to the President \$500,000,000 for each of fiscal years 2003 and 2004 to support the International Security Assistance Force or the establishment of a similar security force.

(B) Amounts made available under subparagraph (A) may be appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.], section 551 of such Act [22 U.S.C. 2348], or section 2763 of this title.

(C) Funds appropriated pursuant to subparagraph (A) shall be subject to the notification requirements under section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394-1].

**(e) United States policy relating to international peacekeeping and security operations**

It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

(Pub. L. 107-327, title II, §206, Dec. 4, 2002, 116 Stat. 2808; Pub. L. 108-458, title VII, §7104(h)(2), (i), (k)(1), Dec. 17, 2004, 118 Stat. 3786, 3788.)

## REFERENCES IN TEXT

Public Law 107-206, referred to in subsec. (c)(1)(A), is Pub. L. 107-206, Aug. 2, 2002, 116 Stat. 820, known as the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. For complete classification of this Act to the Code, see Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d)(2)(B), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

## AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-458, §7104(k)(1), substituted “2010” for “2007” in introductory provisions.

Subsec. (d)(1). Pub. L. 108–458, §7104(i), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “Congress urges the President, in order to fulfill the objective of establishing security in Afghanistan, to take all appropriate measures to assist Afghanistan in establishing a secure environment throughout the country, including by—

“(A) sponsoring in the United Nations Security Council a resolution authorizing an expansion of the International Security Assistance Force, or the establishment of a similar security force; and

“(B) enlisting the European and other allies of the United States to provide forces for an expansion of the International Security Assistance Force in Afghanistan, or the establishment of a similar security force.”

Subsec. (e). Pub. L. 108–458, §7104(h)(2), added subsec. (e).

#### 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.

#### DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (c) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

Functions of President under subsec. (d)(1)(B) of this section assigned to Secretary of Defense by section 2 of Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, set out as a note under section 301 of Title 3.

#### UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS

Pub. L. 108–458, title VII, §7104(h)(1), Dec. 17, 2004, 118 Stat. 3786, provided that:

“(A) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

“(B) REPORT.—The report required under section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) shall include a description of the progress to implement paragraph (1).”

#### § 7536a. Sense of Congress and report regarding counter-drug efforts in Afghanistan

##### (a) Sense of Congress

It is the sense of Congress that—

(1) the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

##### (b) Report required

(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

(A) the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

(2) The report required by this subsection shall be submitted to Congress not later than 120 days after December 17, 2004.

(Pub. L. 107–327, title II, §207, as added Pub. L. 108–458, title VII, §7104(j)(2)(B), Dec. 17, 2004, 118 Stat. 3787.)

#### REFERENCES IN TEXT

December 17, 2004, referred to in subsec. (b)(2), was in the original “the date of the enactment of the 9/11 Recommendations Implementation Act”, and was translated as meaning the date of enactment of Pub. L. 108–458, title VII, known as the 9/11 Commission Implementation Act of 2004, to reflect the probable intent of Congress.

#### PRIOR PROVISIONS

A prior section 207 of Pub. L. 107–327 was renumbered section 208 and is classified to section 7537 of this title.

#### § 7537. Relationship to other authority

##### (a) Additional authority

The authority to provide assistance under this subchapter is in addition to any other authority to provide assistance to the Government of Afghanistan.

##### (b) Laws restricting authority

Assistance under this subchapter to the Government of Afghanistan may be provided notwithstanding section 512 of Public Law 107–115 or any similar provision of law.

(Pub. L. 107–327, title II, §208, formerly §207, Dec. 4, 2002, 116 Stat. 2811; renumbered §208, Pub. L. 108–458, title VII, §7104(j)(2)(A), Dec. 17, 2004, 118 Stat. 3787.)

#### REFERENCES IN TEXT

Section 512 of Public Law 107–115, referred to in subsec. (b), is section 512 of Pub. L. 107–115, title V, Jan. 10, 2002, 115 Stat. 2141, which is not classified to the Code.

#### PRIOR PROVISIONS

A prior section 208 of Pub. L. 107–327 was renumbered section 209 and is classified to section 7538 of this title.

#### § 7538. Sunset

The authority of this subchapter shall expire after September 30, 2006.

(Pub. L. 107–327, title II, §209, formerly §208, Dec. 4, 2002, 116 Stat. 2811; renumbered §209, Pub. L. 108–458, title VII, §7104(j)(2)(A), Dec. 17, 2004, 118 Stat. 3787.)