

DECLARATIONS OF POLICY

Pub. L. 108-458, title VII, §7104(e)(1)(A), Dec. 17, 2004, 118 Stat. 3781, provided that: “Congress reaffirms the authorities contained in title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 [7511] et seq.), relating to economic and democratic development assistance for Afghanistan.”

Pub. L. 108-458, title VII, §7104(f)(1), Dec. 17, 2004, 118 Stat. 3783, provided that: “Congress declares that, although Afghanistan has adopted a new constitution and made progress on primary education, the United States must invest in a concerted effort in Afghanistan to improve the rule of law, good governance, and effective policing, to accelerate work on secondary and university education systems, and to establish new initiatives to increase the capacity of civil society.”

RELIEF FOR AFGHAN WOMEN AND CHILDREN

Pub. L. 107-81, Dec. 12, 2001, 115 Stat. 811, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Afghan Women and Children Relief Act of 2001’.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) In Afghanistan, Taliban restrictions on women’s participation in society make it nearly impossible for women to exercise their basic human rights. The Taliban restrictions on Afghan women’s freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing basic access to work, education, and health care.

“(2) Afghanistan has one of the highest infant (165 of 1000) and child (257 of 1000) mortality rates in the world.

“(3) Only 5 percent of rural and 39 percent of urban Afghans have access to safe drinking water.

“(4) It is estimated that 42 percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water.

“(5) Over one-third of Afghan children under 5 years of age suffer from malnutrition, 85,000 of whom die annually.

“(6) Seventy percent of the health care system in Afghanistan is dependent on foreign assistance.

“(7) As of May 1998, only 20 percent of hospital medical and surgical beds dedicated to adults were available for women, and thousands of Afghan women and girls are routinely denied health care.

“(8) Women are forbidden to leave their homes without being escorted by a male relative. This prevents many women from seeking basic necessities like health care and food for their children. Doctors, virtually all of whom are male, are also not permitted to provide certain types of care not deemed appropriate by the Taliban.

“(9) Before the Taliban took control of Kabul, schools were coeducational, with women accounting for 70 percent of the teaching force. Women represented about 50 percent of the civil service corps, and 40 percent of the city’s physicians were women. Today, the Taliban prohibits women from working as teachers, doctors, and in any other occupation.

“(10) The Taliban prohibit [sic] girls and women from attending school. In 1998, the Taliban ordered the closing of more than 100 privately funded schools where thousands of young women and girls were receiving education and training in skills that would have helped them support themselves and their families.

“(11) Of the many tens of thousands of war widows in Afghanistan, many are forced to beg for food and to sell their possessions because they are not allowed to work.

“(12) Resistance movements courageously continue to educate Afghan girls in secrecy and in foreign countries against Taliban law.

“SEC. 3. AUTHORIZATION OF ASSISTANCE.

“(a) IN GENERAL.—Subject to subsection (b), the President is authorized, on such terms and conditions as the President may determine, to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries.

“(b) IMPLEMENTATION.—(1) In providing assistance under subsection (a), the President shall ensure that such assistance is provided in a manner that protects and promotes the human rights of all people in Afghanistan, utilizing indigenous institutions and nongovernmental organizations, especially women’s organizations, to the extent possible.

“(2) Beginning 6 months after the date of enactment of this Act [Dec. 12, 2001], and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

“(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) [115 Stat. 220], shall be available to carry out this Act.”

§ 7514. Coordination of assistance

(a) In general

The President shall 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 subchapter;

(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 subchapter;

(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) Rank and status of the coordinator

The coordinator designated under subsection (a) shall have the rank and status of ambassador.

(c) Assistance plan

(1) Submission to Congress

The coordinator designated under subsection (a) shall annually submit the Afghanistan assistance plan of the Administration to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on International Relations of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) Contents

The assistance plan submitted under paragraph (1) shall describe—

(A) how the plan relates to the strategy provided pursuant to section 7554 of this title; and

(B) how the plan builds upon United States assistance provided to Afghanistan since 2001.

(d) Coordination with international community**(1) In general**

The coordinator designated under subsection (a) shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste.

(2) International financial institutions

The coordinator designated under subsection (a), under the direction of the Secretary of State, shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in section 262r(c)(2) of this title) to coordinate United States assistance for Afghanistan with international financial institutions.

(Pub. L. 107-327, title I, §104, Dec. 4, 2002, 116 Stat. 2804; Pub. L. 108-458, title VII, §7104(c)(2), (d), Dec. 17, 2004, 118 Stat. 3781.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §7104(c)(2), substituted “shall” for “is strongly urged to” in introductory provisions.

Subsecs. (c), (d). Pub. L. 108-458, §7104(d), added subsecs. (c) and (d).

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.

FINDINGS

Pub. L. 108-458, title VII, §7104(c)(1), Dec. 17, 2004, 118 Stat. 3781, provided that: “Congress makes the following findings:

“(A) The Final Report of the National Commission on Terrorist Attacks Upon the United States criticized the provision of United States assistance to Afghanistan for being too inflexible.

“(B) The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) contains provisions that provide for flexibility in the provision of assistance for Afghanistan and are not subject to the requirements of typical foreign assistance programs and provide for the designation of a coordinator to oversee United States assistance for Afghanistan.”

§ 7515. Sense of Congress regarding promoting cooperation in opium producing areas

It is the sense of Congress that the President should—

(1) to the extent practicable, under such procedures as the President may prescribe, withhold United States bilateral assistance from, and oppose multilateral assistance to, opium-producing areas of Afghanistan if, within such areas, appropriate cooperation is not provided

to the United States, the Government of Afghanistan, and international organizations with respect to the suppression of narcotics cultivation and trafficking, and if withholding such assistance would promote such cooperation;

(2) redistribute any United States bilateral assistance (and to promote the redistribution of any multilateral assistance) withheld from an opium-producing area to other areas with respect to which assistance has not been withheld as a consequence of this section; and

(3) define or redefine the boundaries of opium producing areas of Afghanistan for the purposes of this section.

(Pub. L. 107-327, title I, §105, Dec. 4, 2002, 116 Stat. 2805.)

§ 7516. Administrative provisions**(a) Applicable administrative authorities**

Except to the extent inconsistent with the provisions of this subchapter, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 [22 U.S.C. 2351 et seq., 2381 et seq.] shall apply to the provision of assistance under this subchapter 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 [22 U.S.C. 2151 et seq.].

(b) Use of the expertise of Afghan-Americans

In providing assistance authorized by this subchapter, 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 subchapter; and

(2) in the awarding of contracts and grants to implement activities authorized under this subchapter, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(c) Donations of manufacturing equipment; use of colleges and universities

In providing assistance authorized by this subchapter, the President, to the maximum extent practicable, should—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

(d) Administrative expenses

Of the funds made available to carry out the purposes of assistance authorized by this subchapter in any fiscal year, up to 7 percent may be used for administrative expenses of Federal departments and agencies in connection with the provision of such assistance.

(e) Monitoring**(1) Comptroller General**

The Comptroller General shall monitor the provision of assistance under this subchapter.