



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

June 5, 2007
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 2446 – Afghanistan Freedom and Security Support Act of 2007

(Rep. Lantos (D) and 2 cosponsors)

The Administration welcomes the strong support of Congress to ensure a strong, stable, and democratic Afghanistan but cannot support H.R. 2446 as reported by the House Foreign Affairs Committee. The Administration looks forward to working with Congress to address our concerns, including those listed below, in order to fashion legislation that helps advance our mutual interest in promoting the progress and development of a democratic Afghanistan. The United States, joined by many international partners, is working to help Afghanistan build a society that can support democratic development throughout the region. That task requires sustained effort and flexibility to address the many challenges facing the Government of Afghanistan and its international supporters.

H.R. 2446, which reauthorizes and modifies the Afghanistan Freedom Support Act of 2002, as amended (AFSA), consists largely of objectionable mandates that fail to provide the flexibility needed to respond to the complex challenges in Afghanistan. AFSA, as modified by H.R. 2446, would unnecessarily restrict and limit the President in providing assistance to Afghanistan, in managing the Executive Branch, and in conducting U.S. foreign policy, thus raising a number of constitutional concerns. The cumulative effect of these restrictions, limitations, and certification and reporting requirements would be to divert the attention of those with key responsibilities to implement the diplomacy and programs that actually constitute the President's strategy and foreign policy with regard to Afghanistan and the region. One exception in this regard is section 201, which extends the affirmative permissive drawdown authority and is useful although not requested.

Among the significantly objectionable provisions are:

- Section 104, which includes a certification requirement unhelpfully conditioning the provision of foreign assistance on the factual finding that no local officials engage in or benefit from narcotics trade or engage in terrorist or criminal activity, and otherwise requires that assistance for the associated local districts and provinces be terminated. Besides setting an unrealistically high bar, which in fact could encourage the Taliban to promote corruption among local officials, the provision creates a serious barrier to assisting those areas with significant needs.
- Section 106, which requires that the President appoint a coordinator, with advice and consent of the Senate, who cannot occupy another position in the government, and whose duties are prescribed. This section in its entirety runs counter to Presidential actions already taken in this regard.

- Section 303, which mandates that the President “shall” formulate a comprehensive interagency strategy composed of specific points dictated in the bill, ignoring the Administration’s existing strategy, which was developed by an interagency task force.
- Section 304, which authorizes the President to appoint a special envoy for Afghanistan-Pakistan cooperation but mandates the duties of any such appointee and thus interferes with the President’s authority to manage foreign affairs.
- Section 305, which mandates the policy of the United States regarding encouraging Pakistan to permit shipments from India. This position is constitutionally objectionable insofar as it purports to legislate U.S. foreign policy.
- Numerous reporting requirements, such as section 302, and program directives, such as the requirement to launch a new professional internship program in section 107, which impede and constrain the ability of the Executive Branch to implement programs and activities.

Sections 102 and 103 raise concerns, as well. These sections authorize a pilot program to test the effectiveness of a crop substitution program combined with a crop subsidy to offset the difference in income from licit and illicit crops. Such a program could provide a perverse incentive to grow poppy, ultimately leading to even greater cultivation. Even on the limited scale contemplated in the legislation, it would be extremely difficult to ensure that the funds paid out as an offset would not be used to grow illicit crops, to corrupt government officials, or to support insurgent groups who already receive funding through the drug trade.

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