

REV-#98

**AMENDMENT TO H.R. 5136, AS REPORTED**  
**OFFERED BY MR. MCGOVERN OF**  
**MASSACHUSETTS**

At the end of subtitle B of title XII, add the following new section:

1 **SEC. 12xx. LIMITATION ON AVAILABILITY OF FUNDS FOR**  
2 **ELECTIONS IN AFGHANISTAN.**

3 (a) **LIMITATION.**—No funds authorized to be appro-  
4 priated by this Act may be made available to support the  
5 holding of elections in Afghanistan unless and until the  
6 President submits a certification described in subsection  
7 (b) to the congressional officials specified in subsection  
8 (c).

9 (b) **CERTIFICATION DESCRIBED.**—A certification de-  
10 scribed in this subsection is certification in writing that  
11 contains a determination of the President of the following:

12 (1) The Afghanistan Independent Election  
13 Commission has the professional capacity, personnel,  
14 skills, independence, and legal authority to conduct  
15 and oversee free, fair, and honest elections.

16 (2) The Afghanistan Independent Election  
17 Commission, to the extent possible, has been purged  
18 of all members and staff who committed or were

1 otherwise participants in any fraud of the 2009  
2 presidential elections, including covering up the elec-  
3 toral fraud or otherwise were negligent in inves-  
4 tigating allegations of electoral fraud.

5 (3) The Afghan Electoral Complaints Commis-  
6 sion is a genuinely independent body with all the au-  
7 thorities that were invested in it under Afghanistan  
8 law as of December 31, 2009, and with no members  
9 appointed by President Hamid Karzai.

10 (c) CONGRESSIONAL OFFICIALS SPECIFIED.—The  
11 congressional officials specified in this subsection are the  
12 following:

13 (1) The Speaker and minority leader of the  
14 House of Representatives.

15 (2) The majority leader and minority leader of  
16 the Senate.

17 (3) The Chairman and ranking member of the  
18 Committee on Armed Services and the Chairman  
19 and ranking member of the Committee on Foreign  
20 Affairs of the House of Representatives.

21 (4) The Chairman and ranking member of the  
22 Committee on Armed Services and the Chairman  
23 and ranking member of the Committee on Foreign  
24 Relations of the Senate.

