

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4874

To prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 1998

Mr. SMITH of New Jersey (for himself and Mr. EVANS) introduced the following bill; which was referred to the Committee on International Relations

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## A BILL

To prohibit the provision of defense services and training under the Arms Export Control Act or any other Act to foreign countries that are prohibited from receiving international military education and training or any other military assistance or arms transfers.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Military  
5 Training Transparency and Accountability Act”.

1 **SEC. 2. PROHIBITION ON PROVISION OF DEFENSE SERV-**  
2 **ICES AND TRAINING TO FOREIGN COUNTRIES**  
3 **INELIGIBLE FOR IMET ASSISTANCE OR**  
4 **OTHER MILITARY ASSISTANCE OR ARMS**  
5 **TRANSFERS.**

6 (a) IN GENERAL.—The Arms Export Control Act (22  
7 U.S.C. 2751 et seq.) is amended by inserting after the  
8 first section 40A the following:

9 **“SEC. 40B. PROHIBITION ON PROVISION OF DEFENSE SERV-**  
10 **ICES AND TRAINING TO FOREIGN COUNTRIES**  
11 **INELIGIBLE FOR IMET ASSISTANCE OR**  
12 **OTHER MILITARY ASSISTANCE OR ARMS**  
13 **TRANSFERS.**

14 “(a) IN GENERAL.—No defense services or training  
15 (including Joint Combined Exchange Training (JCET))  
16 may be provided by sale, lease, loan, grant, or other means  
17 under this Act or any other Act to any foreign country  
18 that is subject to any provision of law that prohibits or  
19 restricts receipt by such country of—

20 “(1) international military education and train-  
21 ing under chapter 5 of part II of the Foreign Assist-  
22 ance Act of 1961 (22 U.S.C. 2347 et seq.); or

23 “(2) other military assistance or arms trans-  
24 fers.

25 “(b) EXCEPTIONS.—(1) A foreign country that is eli-  
26 gible to receive only expanded international military edu-

1 cation and training under chapter 5 of part II of such  
2 Act (22 U.S.C. 2347 et seq.), and is not otherwise prohib-  
3 ited from receiving any other military assistance or arms  
4 transfers, may receive defense services and training under  
5 this Act or any other Act but only to the extent that such  
6 services and training consist of training of civilian officials  
7 and military officers of the armed forces on military jus-  
8 tice, international human rights standards, and the proper  
9 role of the armed forces in a democratic society.

10       “(2) A foreign country that is subject to a provision  
11 of law that prohibits or restricts receipt by such country  
12 of international military education and training or any  
13 other military assistance or arms transfers shall not by  
14 reason of such prohibition or restriction be prohibited  
15 from receiving defense services and training under this Act  
16 or any other Act that are substantially unrelated to the  
17 military assistance or arms transfers so prohibited or re-  
18 stricted, but only if, at least 15 days before the proposed  
19 provision of the services and training to the country, the  
20 President transmits to the Congress a certification con-  
21 taining—

22               “(A) a description of each provision of law that  
23 prohibits or restricts receipt by the country of inter-  
24 national military education and training or any  
25 other military assistance or arms transfers;

1           “(B) a description of the defense services and  
2 training to be provided to the country; and

3           “(C) an explanation of how the defense services  
4 and training are substantially unrelated to the mili-  
5 tary assistance or arms transfers so prohibited or re-  
6 stricted.

7           “(3) Subsection (a) shall not apply with respect to  
8 a foreign country described in section 546 of such Act (22  
9 U.S.C. 2347c) by reason of designation under such sec-  
10 tion.

11          “(c) WAIVER.—The President may waive the prohibi-  
12 tion in subsection (a) with respect to a foreign country  
13 if the President—

14           “(1) determines that it is important to the na-  
15 tional security of the United States to do so; and

16           “(2) transmits to the Congress a certification  
17 containing—

18           “(A) the determination under paragraph  
19 (1), including an explanation of why it is impor-  
20 tant to the national security of the United  
21 States to provide the waiver;

22           “(B) a description of each provision of law  
23 that prohibits or restricts receipt by the country  
24 of international military education and training

1 or any other military assistance or arms trans-  
2 fers;

3 “(C) a description of any limitations on  
4 the defense services and training to be provided  
5 to the country under the waiver; and

6 “(D) a description of how the provision of  
7 the waiver, including any limitations on the de-  
8 fense services and training to be provided to the  
9 country under the waiver, will preserve to the  
10 fullest extent consistent with the national secu-  
11 rity of the United States the purpose of the  
12 provision of law that prohibits or restricts re-  
13 ceipt by the country of international military  
14 education and training or any other military as-  
15 sistance or arms transfers.

16 “(d) DEFINITION.—In this section, the term ‘military  
17 assistance or arms transfers’ means—

18 “(1) assistance under chapter 2 of part II of  
19 the Foreign Assistance Act of 1961 (22 U.S.C 2311  
20 et seq.; relating to military assistance), including the  
21 transfer of excess defense articles under section 516  
22 of that Act (22 U.S.C. 2321j);

23 “(2) assistance under chapter 4 of part II of  
24 the Foreign Assistance Act of 1961 (22 U.S.C. 2346  
25 et seq.; relating to the economic support fund);

1           “(3) assistance under the “Foreign Military Fi-  
2           nancing Program” under section 23 of this Act; and

3           “(4) the transfer of defense articles, defense  
4           services, or design and construction services under  
5           this Act, including defense articles and defense serv-  
6           ices licensed or approved for export under section 38  
7           of this Act.”.

8           (b) CONFORMING AMENDMENT.—The second section  
9           40A of the Arms Export Control Act (22 U.S.C. 2785),  
10          as added by section 150(a) of Public Law 104–164 (110  
11          Stat. 1436), is hereby redesignated as section 40.

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