

106TH CONGRESS  
1ST SESSION

# H. R. 1063

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

MARCH 10, 1999

Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mrs. LOWEY, Mr. OLVER, Mr. BROWN of California, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Mr. FRANK of Massachusetts, Mr. ENGLISH, Mr. UNDERWOOD, Mr. FILNER, Mr. MCGOVERN, Mr. BARRETT of Wisconsin, Mr. KENNEDY of Rhode Island, Mr. PORTER, Mr. TANCREDO, Mr. ROHRABACHER, Mr. CLAY, Mr. GARY MILLER of California, Ms. SCHAKOWSKY, Mr. VENTO, Ms. MCKINNEY, Mr. SANDERS, Mr. GOODLING, Mr. LUTHER, Mr. WYNN, Mr. LATOURETTE, Mr. RUSH, Mr. BLAGOJEVICH, Mr. ABERCROMBIE, Ms. PELOSI, Mr. BROWN of Ohio, Mr. MARKEY, Mr. STARK, Mr. OBERSTAR, Ms. KAPTUR, Mr. MOAKLEY, Mr. CUMMINGS, Mr. LANTOS, Mr. THOMPSON of California, Ms. RIVERS, Mr. WOLF, Ms. LEE, Ms. BALDWIN, Mr. SERRANO, Mr. HALL of Ohio, Mr. KUCINICH, Mr. TIERNEY, Mr. STRICKLAND, Mr. BERMAN, and Mr. DEFazio) 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”.

6       **SEC. 2. PROHIBITION ON PROVISION OF DEFENSE SERV-**  
7                       **ICES AND TRAINING TO FOREIGN COUNTRIES**  
8                       **INELIGIBLE FOR IMET ASSISTANCE OR**  
9                       **OTHER MILITARY ASSISTANCE OR ARMS**  
10                      **TRANSFERS.**

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

14       **“SEC. 40B. PROHIBITION ON PROVISION OF DEFENSE SERV-**  
15                      **ICES AND TRAINING TO FOREIGN COUNTRIES**  
16                      **INELIGIBLE FOR IMET ASSISTANCE OR**  
17                      **OTHER MILITARY ASSISTANCE OR ARMS**  
18                      **TRANSFERS.**

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

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

4           “(2) other military assistance or arms trans-  
5           fers.

6           “(b) EXCEPTIONS.—(1) A foreign country that is eli-  
7           gible to receive only expanded international military edu-  
8           cation and training under chapter 5 of part II of such  
9           Act (22 U.S.C. 2347 et seq.), and is not otherwise prohib-  
10          ited from receiving any other military assistance or arms  
11          transfers, may receive defense services and training under  
12          this Act or any other Act but only to the extent that such  
13          services and training consist of training of civilian officials  
14          and military officers of the armed forces on military jus-  
15          tice, international human rights standards, and the proper  
16          role of the armed forces in a democratic society.

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

1 provision of the services and training to the country, the  
2 President transmits to the Congress a certification  
3 containing—

4 “(A) a description of each provision of law that  
5 prohibits or restricts receipt by the country of inter-  
6 national military education and training or any  
7 other military assistance or arms transfers;

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

10 “(C) an explanation of how the defense services  
11 and training are substantially unrelated to the mili-  
12 tary assistance or arms transfers so prohibited or re-  
13 stricted.

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

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

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

23 “(2) transmits to the Congress a certification  
24 containing—

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

5           “(B) a description of each provision of law  
6           that prohibits or restricts receipt by the country  
7           of international military education and training  
8           or any other military assistance or arms trans-  
9           fers;

10          “(C) a description of any limitations on  
11          the defense services and training to be provided  
12          to the country under the waiver; and

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

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

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

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

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

11 “(4) the transfer of defense articles, defense  
12 services, or design and construction services under  
13 this Act, including defense articles and defense serv-  
14 ices licensed or approved for export under section 38  
15 of this Act.”.

16 (b) CONFORMING AMENDMENT.—The second section  
17 40A of the Arms Export Control Act (22 U.S.C. 2785),  
18 as added by section 150(a) of Public Law 104–164 (110  
19 Stat. 1436), is hereby redesignated as section 40.

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