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## LEGISLATIVE AMENDMENTS REGARDING RECIPROCAL MILITARY TRAINING

[The following is a reprint of a message from the Defense Security Assistance Agency (DSAA-COMPT-TMD, DTG 102313ZSEP85; subject as above.)]

Ref: Arms Export Control Act (AECA) and Foreign Assistance Act (FAA) of 1961, as amended.

The 99th Congress amended the AECA and FAA to allow reciprocal unit and individual professional military education exchanges with friendly countries and international organizations. This message summarizes the legislative changes and provides guidance on implementation.

The legislative amendments, with clarifying definitions, are summarized below:

a. The AECA was amended by the insertion of a new chapter (2C) and a new section (30A) titled "Exchange of Training and Related Support." The chapter empowers the President to provide training and related support to military and civilian defense personnel of a friendly foreign country or international organization. Such training and related support is specifically to be provided by a secretary of a military department and only when the recipient foreign country or international organization agrees, pursuant to an agreement or other arrangement, to provide comparable training and related support on a reciprocal basis. For this purpose the terms "agreement or other arrangement" are synonymous with the term "international agreement."

b. The FAA was amended by the addition to the IMET chapter of a new section (544) titled "Exchange Training." The new section authorizes the President to provide for attendance of foreign military personnel at professional military education (PME) institutions in the U.S. (other than service academies) without charge, if such attendance is part of an international agreement to be negotiated which provides for the exchange of students on a one-for-one, reciprocal basis each fiscal year, between the PME institutions participating in the exchange. For this purpose, PME institutions will include the U.S. Army War College and Command and General Staff College, the USAF Air War College and Air Command and Staff College, the U.S. Naval Command College and Naval Staff College, the U.S. Marine Command College and Staff College, and the National Defense University's (NDU) National War College (NWC), Industrial College of the Armed Forces, and Armed Forces Staff College.

General guidance for the implementation of legislation is as follows:

a. AECA, Chapter 2C, Sec. 30A, Exchange of Training. The following points apply:

(1) The legislative history which preceded enactment of this legislation clearly indicates that the intent was to implement unit exchanges. Therefore, this legislative provision will be used only for exchanges of units

authorized by TO&E or TDA or other unit authorizing document and will not be used for exchanges of individuals or other ad hoc units.

(2) The legislation requires that reciprocal exchanges take place within one year of one another. It further requires that if the U.S. fails to provide an exchange unit to commence to be trained within that time, after having provided training and related support for a foreign unit, the U.S. must first obtain full cost reimbursement from the foreign government for the training and related support provided.

(3) The legislation requires that a report be provided by 1 February to the Congress describing all training exchanges carried out under this legislation and the full costs incurred thereof during the preceding fiscal year. The report is to be provided to ASD (Comptroller) by 1 January of each year, with the first report due by 1 January 1987. An information copy is to be forwarded to DSAA Comptroller (ATTN: Training Management Division). Legislative authority authorizing unit exchanges may not be used until procedures have been finalized and published as requested in Part II below.

b. FAA, Chapter 5, Part II, Section 544, Exchange Training. The following points apply:

(1) The law requires that the student exchanges be on a one-for-one reciprocal basis and occur within the same U.S., repeat U.S. fiscal year. IMET, MAP and FMSCR funds may not be used to reimburse DOD for any cost incurred in exchange training, nor may charges be made against FMS cases.

(2) While the law does not currently require a report to the Congress, good management practice requires that complete records be kept within DOD. Accordingly, request a report of all exchanges under Section 544, FAA occurring during the preceding fiscal year be forwarded to DSAA (ATTN: Training Management Division) by 1 January of each year, with the first report due by 1 January 1987. An information copy is to be forwarded to ASD (Comptroller).

(3) Above legislative authority (PME exchanges) may be used as of 1 October 1985; the next change to the Security Assistance Management Manual (DOD 5105.38-M) (SAMM) will reflect this guidance.

#### PART II for HQDA

The U.S. Army is requested to take the lead and draft, in concert with the other military departments, separate standardized implementing regulations for each of the exchange authorities, to include uniform international agreement formats and report formats in accordance with general guidelines outlined above. The unit exchange draft is to be submitted to ASD (Comptroller) for review and coordination within OSD not later than 15 October 1985. Pricing guidance will be provided by ASD (Comptroller) to the military services as appropriate. The PME exchange draft will be submitted to DSAA for review and coordination within OSD not later than 15 October 1985.