



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
1600 DEFENSE PENTAGON  
WASHINGTON, D. C. 20301-1600

23 12 1999

The Honorable J. Dennis Hastert  
Speaker of the House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

The Department of Defense proposes the enclosed draft bill, "Institute For Professional Military Education And Training." This proposal is part of the departmental legislative program for the Second Session of the 106th Congress and we urge its enactment. The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of this initiative for your consideration and the consideration of the Congress.

Purpose of the Legislation

The purpose of the legislative proposal is to enhance oversight of the Department of Defense institute that provides professional military education and training to military, selected law enforcement, and civilian personnel of the Western Hemisphere. It would authorize the Institute for Professional Military Education and Training and repeal the statutory provision authorizing the School of the Americas.

The proposed section 2166 in title 10 would place the authority to operate the Institute directly with the Secretary of Defense, thereby enhancing oversight and policy integration with other departmental training institutions. It would establish a board of visitors for independent oversight that would include four Members of Congress and six members from academia, the religious community, and the human rights community appointed by the Secretary of Defense. Two military members also would be represented on the Board. The Board would review the Institute's curriculum to ensure that it complies with United States law. It also would look at the proposed instruction, to ensure that it appropriately emphasizes human rights, the rule of law, civilian control of the military, and the role of the military in a democratic society. The Board would report annually to the Secretary of Defense and the Secretary of Defense would report annually to Congress detailing the activities of the Institute during the previous year.

The Institute would provide professional military education and training courses, including courses in such areas as leadership development, counter-drug operations, peace support operations, humanitarian mine removal, medical assistance, disaster relief, and resource management. It would provide an invaluable opportunity to promote democracy and the respect for internationally recognized human rights by enhancing military professionalism and mutual cooperation among the nations of the Western Hemisphere. Instruction at the Institute would be in Spanish. The program is intended to bring together members of the United States military community with military, law enforcement, and civilian members from the other countries of the Western Hemisphere. Foreign students would be selected with care. Their attendance would be



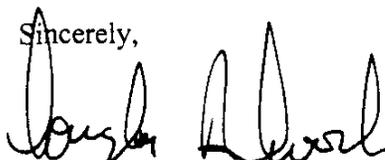
concluded in by the Secretary of State through the appropriate United States Embassy. Approximately 1000 students from South, Central, and North America, including the United States and the Caribbean, would attend annually.

The proposal requires a minimum of eight hours training in the rule of law, due process, civilian control of the military, human rights, and the role of the military in a democratic society. This is reemphasized in exercise scenarios (staff planning or field training) that present situations that require the employment of the classroom lessons in a field environment thereby reinforcing the instruction.

Cost and Budget Data

There will be no increase in the budgetary requirements of the Department by enactment of this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Dworkin". The signature is written in a cursive style with a large initial "D" and "A".

Douglas A. Dworkin  
Acting General Counsel

Enclosure  
As Stated



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WASHINGTON, D. C. 20301-1600

23 10 1999

The Honorable Al Gore  
President of the Senate  
Washington, D.C. 20510

Dear Mr. President:

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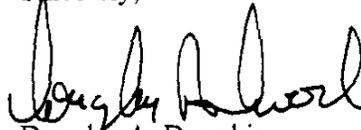
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Douglas A. Dworkin  
Acting General Counsel

Enclosure  
As Stated

**SEC. \_\_\_\_ . INSTITUTE FOR PROFESSIONAL MILITARY EDUCATION AND  
TRAINING**

1 (a) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding  
2 at the end the following new section:

3 **"§ 2166. Institute for Professional Military Education and Training**

4 "(a) AUTHORITY.—The Secretary of Defense may operate an education and training  
5 facility that may be called the Institute for Professional Military Education and Training. The  
6 Secretary of Defense may designate the Secretary of the Army as the Department of Defense  
7 executive agent for carrying out the Secretary's responsibilities under this section.

8 "(b) PURPOSE.—The education and training facility authorized by subsection (a) shall be  
9 operated for the purpose of providing professional military education and training to military,  
10 law enforcement, and civilian (governmental and non-governmental) personnel of the Western  
11 Hemisphere (including leadership development, counterdrug operations, peace support  
12 operations, and disaster relief) within the context of the democratic principles encapsulated in the  
13 Charter of the Organization of American States and supporting agreements, while fostering  
14 mutual knowledge, transparency, confidence, and cooperation among the participating nations  
15 and promoting democratic values, respect for human rights, and knowledge and understanding of  
16 U.S. customs and traditions.

17 "(c) CURRICULA.—(1) The education and training described in subsection (b) shall  
18 include mandatory curricula relating to human rights, the rule of law, due process, civilian  
19 control of the military, and the role of the military in a democratic society.

1           "(2) Such mandatory curricula shall consist, at a minimum, of eight hours of instruction  
2 for all courses.

3           "(d) BOARD OF VISITORS.—(1) A Board of Visitors to such education facility shall be  
4 established and composed of—

5                       "(A) two members of the Senate designated by the President pro tempore  
6 of the Senate;

7                       "(B) two members of the House of Representatives designated by the  
8 Speaker of the House of Representatives;

9                       "(C) six persons designated by the Secretary of Defense or designee, to  
10 include, to the extent possible, at least one member each from academia, the  
11 religious community, and the human rights community;

12                       "(D) one person designated by the Secretary of State;

13                       "(E) the Commanding General, United States Army Training and Doctrine  
14 Command or designee; and

15                       "(F) the Commander-in-Chief, U.S. Southern Command or designee.

16           "(2) All members shall serve for two years except for those members listed in  
17 subparagraphs (A) and (B) who may continue to serve until a successor is designated.

18           "(3) If a member of the Board dies or resigns, a successor shall be designated by  
19 the official who designated the member.

20           "(4) The Board, at a minimum, shall meet annually.

21           "(5)(A) The Board shall inquire into the curriculum, instruction, physical  
22 equipment, fiscal affairs, academic methods, and other matters relating to the Institute  
23 that the Board decides to consider.

1                   “(B) The Board shall review the curriculum of the professional military education  
2 and training facility authorized in subsection (a) to ensure that—

3                   “(i) it complies with applicable United States law and regulation;

4                   “(ii) it is consistent with United States policy goals toward Latin America  
5 and the Caribbean;

6                   “(iii) it adheres to current U.S. doctrine; and

7                   “(iv) in its instruction, it appropriately emphasizes human rights, the rule  
8 of law, due process, civilian control of the military, and the role of the military in  
9 a democratic society.

10                  “(6) Not later than 60 days after its annual meeting, the Board shall submit a  
11 written report to the Secretary of Defense of its action and of its views and  
12 recommendations pertaining to the professional military education and training facility  
13 authorized in subsection (a).

14                  “(7) Upon approval by the Secretary of Defense, the Board may call in advisers  
15 for consultation.

16                  “(8) While performing duties, each member of the Board and each adviser shall be  
17 reimbursed under Government travel regulations for his travel expenses. Board members  
18 shall not be compensated.

19                  “(9) The Federal Advisory Committee Act (5 U.S.C. Appendix 2) shall apply to  
20 the Board established pursuant to this subsection.

21                  “(e) ANNUAL REPORT.—Not later than March 15 of each year, the Secretary of Defense  
22 shall submit to Congress a coordinated, inter-agency report detailing the activities during the

1 previous calendar year at the professional military education and training facility authorized in  
2 subsection (a).

3 "(f) The fixed costs of operating and maintaining the professional military education and  
4 training facility authorized in subsection (a) may be paid from funds available to the Army for  
5 operation and maintenance.

6 "(g) Tuition fees charged for personnel who attend the professional military education  
7 and training facility authorized in subsection (a) may not include the fixed costs of operating and  
8 maintaining such facility.

9 "(h) The selection of foreign personnel who are to be provided education and training at  
10 the facility authorized in subsection (a) shall be subject to the concurrence of the Secretary of  
11 State."

12 (b) REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.—

13 Section 4415 of such title is repealed.

14 (c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 108 of

15 such title 10 is amended by inserting after the item relating to section 2165 the following new  
16 item:

17 "2166. Institute for Professional Military Education and Training."; and

18 (2) the table of sections at the beginning of chapter 407 of such title 10 is amended by  
19 striking the item relating to section 4415."

### **Sectional Analysis**

This provision amends chapter 108 of title 10, United States Code, by adding a new section 2166 to authorize the Secretary of Defense to operate an education and training institute known as the Institute for Professional Military Education and Training.

The purpose of the amendment is to enhance oversight over the Department of Defense

institute that provides professional military education and training to military, law enforcement, and civilian personnel of the Western Hemisphere.

The statute authorizing the Army to operate the United States Army School of the Americas would be repealed. Although the School of the Americas has undergone significant change in response to new challenges in the Hemisphere, the School continues to be erroneously criticized by those alleging a causal link between training at the school and subsequent human rights violations by a very few of its graduates. This amendment would close the School of the Americas and establish a new institute with a statutory framework of oversight.

The new section 2166 would place the authority to operate the Institute for Professional Military Education and Training directly with the Secretary of Defense. A Board of Visitors, including Members of Congress, would oversee the Institute. The Secretary of Defense would, to the extent possible, include members from academia, the religious community, and the human rights community on the Board. The Board would review the Institute's curriculum to ensure it complies with United States law and, in its instruction, appropriately emphasizes human rights, the rule of law, civilian control of the military, and the role of the military in a democratic society. The Board would report annually to the Secretary of Defense. The Secretary of Defense would report annually to Congress detailing the activities of the Institute during the previous year.

The Institute would provide professional military education and training courses, including in such areas as leadership development, counterdrug operations, peace support operations, humanitarian mine removal, medical assistance, and disaster relief. The amendment would establish statutory requirements for human rights curricula at the Institute.

The Institute would provide an invaluable opportunity to promote democracy and respect for internationally recognized human rights, and by enhancing military professionalism and mutual cooperation among the nations in the Western Hemisphere. Instruction at the Institute would be in Spanish and would bring together members of the United States military community with military, law enforcement, and civilian members from the other countries of the Western Hemisphere. Students would be carefully selected by the appropriate United States Embassy. Approximately 1000 students from South, Central, and North America, including the United States, and the Caribbean would attend annually. The estimated annual budget would be approximately \$4.45 million.