

104TH CONGRESS
1ST SESSION

H. R. 2652

To close the United States Army School of the Americas and establish a United States Academy for Democracy and Civil-Military Relations.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 1995

Mr. KENNEDY of Massachusetts (for himself, Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. OBERSTAR, Mr. STARK, Mr. ABERCROMBIE, Mr. BROWN of California, Mr. GONZALEZ, Ms. LOFGREN, Mr. GENE GREEN of Texas, Mr. BROWN of Ohio, Ms. RIVERS, Mr. FROST, Mr. VENTO, Mr. DEFAZIO, Mr. CONYERS, Mr. RANGEL, Mr. BARRETT, of Wisconsin, Mr. ACKERMAN, Mr. MORAN, Ms. ESHOO, Mrs. MINK of Hawaii, Mr. FARR of California, Mr. McDERMOTT, Mr. MOAKLEY, Mr. MARKEY, Mr. MILLER of California, Mrs. MALONEY, Mr. BOUCHER, Mr. KLUG, Mr. SERRANO, Mr. STUPAK, Mr. GEJDENSON, Mr. JACOBS, Ms. VELÁZQUEZ, Mr. TORKILDSEN, Mr. JOHNSTON of Florida, Mr. OLVER, and Ms. MCKINNEY) introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To close the United States Army School of the Americas and establish a United States Academy for Democracy and Civil-Military Relations.

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

1 **SECTION 1. TERMINATION OF THE UNITED STATES ARMY**
2 **SCHOOL OF THE AMERICAS**

3 Section 4415 of chapter 407 of title 10, United
4 States Code is repealed.

5 **SEC. 2. ESTABLISHMENT OF ACADEMY FOR DEMOCRACY**
6 **AND CIVIL-MILITARY RELATIONS.**

7 (a) IN GENERAL.—Chapter 407 of title 10, United
8 States Code, is amended by adding at the end the follow-
9 ing new section:

10 **“§4416. United States Academy for Democracy and**
11 **Civil-Military Relations**

12 “(a) ESTABLISHMENT OF ACADEMY.—The Secretary
13 of the Army, in cooperation with the Secretary of State,
14 may operate an educational facility known as the United
15 States Academy for Democracy and Civil-Military Rela-
16 tions (in this section referred to as the “Academy”).

17 “(b) PURPOSES OF ACADEMY.—The Academy shall
18 be operated for the purposes of—

19 “(1) identifying the proper role for the military
20 in a democratic society; and

21 “(2) improving civil-military relations and civil-
22 ian control over military matters in Latin American
23 countries and Caribbean countries.

24 “(c) INSTRUCTION AT ACADEMY.—

25 “(1) AREAS OF INSTRUCTION.—Instruction at
26 the Academy shall be provided to civilian and mili-

1 tary personnel of Latin American countries and Car-
2ibbean countries, through seminars, roundtable dis-
3cussions, conferences, and a guest instructor pro-
4gram, in the following areas:

5 “(A) The principles of respect for democ-
6racy, human rights, and civilian control of the
7military in a democratic society.

8 “(B) Mechanisms and skills necessary for
9the exercise of civilian control and oversight
10over the mission, structure, and operations of
11security forces.

12 “(C) Mechanisms and procedures for en-
13suring accountability within the armed forces
14and for institutionalizing within the armed
15forces rules of engagement and an approach to
16the conduct of military operations in accordance
17with recognized principles of international law
18and human rights.

19 “(D) Mechanisms and skills necessary for
20the exercise of civilian control and oversight
21over budgets of security forces.

22 “(E) Mechanisms and skills necessary for
23the exercise of civilian control over, and merit
24based procedures in, promotions in security
25forces.

1 “(F) Mechanisms and skills necessary for
2 the exercise of civilian control over, and clear
3 human rights guidelines for, intelligence oper-
4 ations of security forces.

5 “(G) Mechanisms and skills necessary to
6 establish and operate military justice and dis-
7 ciplinary systems in accordance with inter-
8 national human rights procedures.

9 “(H) Mechanisms and skills necessary to
10 ensure professional resource and personnel
11 management in security forces.

12 “(I) Mechanisms and skills necessary to
13 ensure civilian control and oversight over secu-
14 rity force involvement in the civilian economy.

15 “(J) Principles of multilateral cooperation
16 in internationally sanctioned peacekeeping oper-
17 ations.

18 “(K) Strategies for cooperative threat re-
19 duction, including diplomatic approaches to ad-
20 dressing border disputes, defensive configura-
21 tion of armed forces, and full compliance with
22 the United Nations Register of Conventional
23 Arms.

24 “(L) Additional strategies designed to
25 achieve responsible reductions in military

1 spending so that resources may be used to pro-
2 mote development in Latin American countries
3 and Caribbean countries.

4 “(2) COMBAT AND LETHAL SKILLS TRAIN-
5 ING.—Combat and lethal skills training shall not be
6 offered as part of the curriculum of the Academy.

7 “(3) COURSE CATALOGUE AND CURRICULUM.—
8 The course catalogue and curriculum of the Acad-
9 emy shall be available for public inspection.

10 “(d) SCREENING OF INSTRUCTORS AND STU-
11 DENTS.—The Secretary of the Army, in cooperation with
12 the Secretary of State, shall conduct a thorough screening
13 of potential instructors and students at the Academy and
14 ensure that they exhibit the highest level of commitment
15 to and respect for democracy and human rights. The in-
16 structors of the Academy shall consist of civilians and
17 military personnel. Every course and program at the
18 Academy shall involve civilians, including civilian person-
19 nel in defense establishments, elected officials and civil
20 servants, and representatives of human rights and other
21 civic organizations. The number of civilians attending the
22 Academy should be at least 20 percent of the total number
23 of students, with the goal of reaching 50 percent within
24 five years after the establishment of the Academy.

1 “(e) ADVISORY COMMITTEE.—The Secretary of the
2 Army, in consultation with the Secretary of State, shall
3 establish an advisory committee to provide advice on es-
4 tablishing and operating the Academy and the content of
5 the curriculum. The advisory committee shall be com-
6 prised of five members from civilian life and shall include
7 representatives of human rights organizations based in the
8 United States and in Latin American and Caribbean coun-
9 tries with widely recognized expertise in investigating vio-
10 lations of human rights violations in those countries. The
11 Advisory Committee shall approve all instructors of the
12 Academy.

13 “(f) HUMAN RIGHTS VIOLATORS.—If it becomes
14 known to the Secretary of State that persons who have
15 attended the Academy have violated human rights, then
16 the Secretary shall determine whether elements of the cur-
17 riculum of the Academy are inconsistent with the purposes
18 of the Academy.

19 “(g) FUNDING.—The cost of operating and maintain-
20 ing the Academy may be paid from funds available under
21 chapter 5 of part II of the Foreign Assistance Act of 1961
22 (22 U.S.C. 2347) (related to international military edu-
23 cation and training assistance).”.

24 (b) CLERICAL AMENDMENTS.—The table of sections
25 at the beginning of chapter 407 of such title is amended—

1 (1) by striking the item relating to section
2 4415; and

3 (2) by inserting after the item relating to sec-
4 tion 4414 the following new item:

“4416. United States Academy for Democracy and Civil-Military Relations”.

5 **SEC. 3. COUNTERMINE PROGRAMS.**

6 Nothing in this Act or the amendments made by this
7 Act shall be interpreted to affect the authority to conduct
8 countermining programs at other facilities at Fort Benning,
9 Georgia, being carried out on the date of enactment of
10 this Act at the School of the Americas in response to a
11 request from the Organization of American States.

12 **SEC. 4. REPORT TO CONGRESS.**

13 After the United States Academy for Democracy and
14 Civil-Military Relations, established pursuant to section
15 4416 of title 10, United States Code, has been in oper-
16 ation for a period of two years, the Secretary of the Army
17 shall submit to Congress a report on the achievements of
18 the Academy, and on the desirability and feasibility of
19 opening its courses and programs to attendees from out-
20 side of Latin America countries and Caribbean countries.

21 **SEC. 5. SENSE OF CONGRESS.**

22 It is the sense of Congress that resources made avail-
23 able to operate the United States Academy for Democracy
24 and Civil-Military Relations, established pursuant to sec-
25 tion 4416 of title 10, United States Code, should be com-

1 mensurate with the total resources that were dedicated to
2 the United States School of the Americas in fiscal year
3 1996.

4 **SEC. 6. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall
6 take effect on October 1, 1996.

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