

[DISCUSSION DRAFT]
JANUARY 25, 1982

97TH CONGRESS
2D SESSION

H. J. RES. 399

IN THE HOUSE OF REPRESENTATIVES

Mr. Studds introduced the following joint
resolution; which was referred to the Committee on _____

JOINT RESOLUTION

Declaring the President's certification with respect to El
_ Salvador to be null and void.

Whereas section 728 of the International and Security

Development Cooperation Act of 1981 conditions the provision of various forms of military assistance for El Salvador during the fiscal years 1982 and 1983 (including the assignment of United States military personnel to El Salvador) on periodic certifications by the President to the Congress with respect to the conduct of the Government of El Salvador;

Whereas each such certification must include a determination

that the Government of El Salvador (1) is making a concerted and significant effort to comply with internationally recognized human rights; (2) is achieving substantial control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces; (3) is making continued progress in implementing essential economic and political reforms, including the land reform program; and (4) is committed to the holding of free elections at an early date and to that end has demonstrated its good faith efforts to begin discussions with all major political factions in El Salvador which have declared their willingness to find and implement an equitable political solution to the conflict, with such solution to involve a commitment to a renouncement of further military or paramilitary activity and a

commitment to the electoral process with internationally recognized observers;

Whereas the first such certification must also include a determination that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders;

Whereas on January 2^o, 1982, the President, acting through the Secretary of State, submitted to the Congress the first certification pursuant to section 728 of the International Security and Development Cooperation Act of 1981; and

Whereas the Congress, having reviewed this certification and the other evidence available with respect to the conduct of the Government of El Salvador, has regretfully concluded that it must respectfully disagree with the executive branch conclusion that the conduct of the Government of El Salvador satisfies all of the conditions specified in section 728 of the International and Security Development Cooperation Act of 1981: Now, therefore, be it

1 Resolved by the Senate and House of Representatives of
2 the United States of America in Congress assembled, That the
3 Congress hereby declares the certification submitted
4 pursuant to section 728 of the International Security and
5 Development Cooperation Act of 1981 by the President to the

1 Congress on January __, 1982, to be null and void.
2 Accordingly, the President shall immediately suspend
3 assistance in accordance with paragraphs (1) through (4) of
4 subsection (c) of section 728. Such suspension shall remain
5 in effect during the fiscal years 1982 and 1983, and the
6 President may not make a certification for purposes of
7 section 728, until such time as the Congress enacts a joint
8 resolution declaring that the Congress has determined that
9 the Government of El Salvador has met the conditions
10 specified in subsections (d) and (e) of section 728. If
11 such a joint resolution is enacted, that resolution shall be
12 considered, for purposes of thereafter applying section 728,
13 to be the first certification required to be made by that
14 section.