

97th CONGRESS
1st Session

S. 728

IN THE SENATE OF THE UNITED STATES

Mr. Kennedy (for himself, Mr. Tsongas, Mr. Leahy, and Mr. Levin) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To amend the Foreign Assistance Act of 1961 to prohibit the assignment to or presence in El Salvador of United States military personnel and to prohibit the furnishing of military and other security assistance for El Salvador.

1 Be it enacted by the Senate and House of Representatives
2 of the United States of America in Congress assembled, That

3 (a) the Congress--

4 (1) is deeply concerned with the escalating violence
5 within El Salvador and the increasing military
6 involvement of outside countries; and

7 (2) affirms its support for a negotiated settlement
8 to the Salvadoran conflict and for establishment of
9 democracy and the respect for human rights in El
10 Salvador.

11 (b) It is the purpose of this Act to prohibit the
12 assignment to or presence in El Salvador of United States
13 military personnel and to prohibit the furnishing of military
14 and other security assistance for El Salvador, unless certain
15 conditions are met, including a thorough and complete
16 investigation by the Government of El Salvador of the recent
17 murders in El Salvador of Catholic missionaries and other
18 Americans.

1 Sec. 2. Chapter 1 of part III of the Foreign Assistance
2 Act of 1961 is amended by adding at the end thereof the
3 following new section:

4 "Sec. 620E. Prohibition Against the Provision of
5 Military Personnel to and the Furnishing of Security
6 Assistance for El Salvador.--(a) Notwithstanding any other
7 provision of law, on or after the date of enactment of this
8 section, no United States military personnel may be assigned
9 to or may be present in, and no military or other security
10 assistance may be furnished for or delivered to, El Salvador
11 unless the provisions of subsection (b) are met.

12 "(b) The provisions of subsection (a) shall not apply
13 if--

14 "(1) the President determines, and prepares and
15 transmits to the Speaker of the House of Representatives
16 and the chairman of the Committee on Foreign Relations of
17 the Senate a report setting forth such determination,
18 that--

19 "(A) the Government of El Salvador--

20 "(i) has carried out a thorough and complete
21 investigation of the recent murders in El
22 Salvador of six United States citizens, including
23 the murders of three Catholic sisters and a
24 Catholic lay worker on December 2, 1980, and the
25 murders of two representatives of United States
26 labor organizations on January 3, 1981;

27 "(ii) is taking definitive steps to bring to
28 justice the individuals responsible for such
29 murders; and

30 "(iii) is investigating and pursuing the
31 prosecution of individuals, whether or not such
32 individuals are members of the security forces of
33 El Salvador, responsible for acts of murder and
34 terrorism;

1 "(B) the United States Government is actively
2 encouraging international efforts, including the
3 efforts of the Organization of American States and
4 other Latin American and European countries--

5 "(i) to oppose the introduction of any arms
6 or military personnel from any foreign source
7 into El Salvador,

8 "(ii) to obtain an in-place truce between
9 the parties to the Salvadoran conflict,

10 "(iii) to seek a conference of the parties
11 to the conflict, and

12 "(iv) to achieve a fair and peaceful
13 mediated solution of the conflict which prevents
14 foreign military intervention,

15 and the Government of El Salvador has cooperated with
16 such efforts;

17 "(C) Salvadoran civilians continue to have a
18 substantial role in the decision-making and
19 leadership of the Government of El Salvador;

20 "(D) the United States Government is vigorously
21 investigating reports of, and prosecuting any
22 individual in the United States found to be
23 responsible for, the financing of assassination
24 squads or other terrorist activities in El Salvador;
25 and

26 "(E) the Government of El Salvador has submitted
27 a specific written request that the Government of the
28 United States provide United States military
29 personnel and military or other security assistance
30 to El Salvador; and

31 "(2) the Congress, within 30 calendar days of
32 receiving such report and under procedures described in
33 subsection (c), adopts a concurrent resolution stating in
34 substance that it approves the determination made by the

1 President.

2 "(c) (1) (A) A concurrent resolution referred to in
3 subsection (b) (2) shall be considered in the Senate in
4 accordance with the provisions of section 601 (b) of the
5 International Security Assistance and Arms Export Control Act
6 of 1976.

7 "(B) For purposes of section 601 (b) of such Act, the
8 report described in subsection (b) (1) shall be considered to
9 be a certification.

10 "(2) For the purpose of expediting the consideration and
11 adoption of a concurrent resolution under subsection (b) (2),
12 a motion to proceed to the consideration of any such
13 resolution after it has been reported by the appropriate
14 committee shall be treated as highly privileged in the House
15 of Representatives.

16 "(d) For purposes of this section--

17 "(1) the term 'military assistance' means assistance
18 under chapter 2 of part II of this Act;

19 "(2) the term 'other security assistance' means--

20 "(A) assistance under chapter 5 (military
21 education and training) or chapter 6 (peacekeeping
22 operations) of part II of this Act;

23 "(B) sales of defense articles or services,
24 extensions of credits (including participations in
25 credits) and guarantees of loans under the Arms
26 Export Control Act;

27 "(C) any license in effect with respect to the
28 export of defense articles or defense services to or
29 for the armed forces, police, intelligence, or other
30 internal security forces of a foreign country under
31 section 38 of the Arms Export Control Act; or

32 "(D) military assistance or any assistance
33 described in clause (A), (B), or (C), which is
34 provided under section 614 of this Act without regard

1 to any provision of this Act or of the Arms Export
2 Control Act; and

3 “(3) the term ‘United States military personnel’
4 means members of the Armed Forces of the United States
5 and other personnel of the Department of Defense who are
6 assigned to perform or are performing duties under this
7 Act or under the Arms Export Control Act.”.