

Originally Processed With FOIA(s):
2009-0275-S

FOIA Number:
2009-0275-S

FOIA MARKER

**This is not a textual record. This is used as an
administrative marker by the George Bush Presidential
Library Staff.**

Record Group/Collection: George H.W. Bush Presidential Records
Collection/Office of Origin: Scowcroft, Brent, Collection
Series: Latin American Files
Subseries: Central American Chronological Files

OA/ID Number: 91138
Folder ID Number: 91138-008

Folder Title:
Latin America - Central America (June 1990) [2]

Stack:	Row:	Section:	Shelf:	Position:
G	34	3	5	3

Withdrawal/Redaction Sheet (George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01a. Memo	David A. Pacelli to Brent Scowcroft Re: U.S. Military Aid to El Salvador (2 pp.)	6/15/90	(b)(1)	✓
01b. Draft Proposal	Re: Assistance for El Salvador (8 pp.)	n.d.	(b)(1)	

Page 1 of 1

Collection:

Record Group: Bush Presidential Records
Office: Scowcroft, Brent, Files
Series: Latin American Files
Subseries: Central American Chronological Files
WHORM Cat.:
File Location: Latin America - Central America (June 1990) [2]

Pinksheet Number: cap1148
OA/ID Number: 91138-008
Date Closed: 5/13/2009
FOIA/Sys Case #: 2009-0275-S
Re-review Case #:
P-2/P-5 Review Case #:

~~CONFIDENTIAL~~
NSC/S PROFILE

RECORD ID: 9004842
RECEIVED: 15 JUN 90 16

TO: SCOWCROFT

CHRON FILE

FROM: PACELLI
PRYCE

DOC DATE: 15 JUN 90
SOURCE REF:

KEYWORDS: EL SALVADOR

PERSONS:

SUBJECT: US MILITARY AID TO EL SALVADOR

ACTION: NOTED BY SCOWCROFT

DUE DATE: 19 JUN 90

STATUS: C

STAFF OFFICER: PACELLI

LOGREF:

FILES: WH

NSCP:

CODES:

DOCUMENT DISTRIBUTION

FOR ACTION

FOR CONCURRENCE

FOR INFO
NSC CHRON
PACELLI
PRYCE

DECLASSIFIED

White House Guidelines

E.O. 12958, SEC 3.4 (B) September 11, 2006

By Caf NARA, Date 5/13/09

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSWEA

CLOSED BY: NSJRP

DOC 1 OF 1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

4842

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

OPEN FILE

June 15, 1990

OK BO

INFORMATION

MEMORANDUM FOR BRENT SCOWCROFT

THROUGH:

WILLIAM T. PRYCE *WTP*

FROM:

DAVID A. PACELLI *DAP*

SUBJECT:

U.S. Military Aid to El Salvador

Secretary of State Baker in discussions with Congress on June 13 promised that the Administration would move quickly to obtain a bipartisan agreement on U.S. military aid to El Salvador. Assistant Secretaries of State Aronson and Mullins will meet with a small bipartisan group from both the appropriations and the authorization side of the House early next week. Representative Gephardt, who has led the "cut aid" forces, is organizing it.

The Defense Department and NSC staff agree with the State's proposal at Tab I. It puts conditions on military aid to induce the Salvadoran Government to reach an internationally monitored cease-fire, enact military and judicial reforms, and resolve the Jesuit case. The proposal also mandates additional aid cuts if the guerrillas accept a cease-fire and negotiate in good faith. Together, these terms could lead to a potential reduction of 30 percent of the proposed \$85 million appropriation for FY 1991. We believe this initiative will give the Administration a fighting chance in discussions with the Congress, but it still will be tough sledding to avoid the drastic proposals advocated by Congressional Democrats (e.g., 50 percent cut in aid).

The important points of the proposal are:

- Conditions on the Salvadoran Government Up to 15 percent of FY 1991 funds shall be withheld until April 1, 1991 and may be made available only if the President determines, and reports to Congress, that the Salvadoran Government:
 - is complying with a cease-fire (if it exists);
 - is negotiating with the FMLN in good faith;
 - has taken concrete steps to initiate reforms to bring the armed forces under civilian control;

~~CONFIDENTIAL~~

Declassify on: OADR

~~CONFIDENTIAL~~

DECLASSIFIED
PER E.O. 13526

2009-1106-MR
SCS 5/23/13

- has taken concrete steps to initiate a comprehensive reform of the judicial system;
- and has made "significant progress" in bringing to trial those responsible for the Jesuit murders.
- Conditions Affecting the FMLN An additional 15 percent shall be withheld if at any time six months after enactment the President determines that in the preceding six month period:
 - the FMLN has complied with an internationally monitored cease-fire;
 - FMLN representatives have been negotiating in good faith to achieve a cease-fire and permanent settlement;
 - the FMLN has not been acquiring or receiving military assistance or using territory of other states;
 - the FMLN has publicly renounced and ceased to engage in acts of terrorism and economic sabotage;
 - and the FMLN has not been using negotiations as a pretext for planning or preparing military actions that would threaten the Salvadoran Government.

In our view, the obligations on the Salvadoran Government are tough, but not impossible. We think it unlikely that the guerrillas could meet their obligations, and if they did, a 15 percent military aid drop would be worth it.

The proposal further provides for termination of aid in the event of a coup, and for a Section 660 waiver to permit nonlethal aid by U.S. civilian law enforcement personnel to assist the professional development of the Salvadoran security forces.

Concurrence by: Virginia Lampley *NVA WLB*

Attachment

Tab I Draft Proposal on Military Aid to El Salvador

①

Sec. 501. Assistance for El Salvador.

(a) Statement of Policy.-- It shall be the policy of the United States--

(1) to support the Declaration of the Central American Presidents issued at San Isidro de Coronado, Costa Rica on December 12, 1989, calling upon the Farabundo Marti National Liberation Front (hereafter in this section called the "FMLN") to cease its hostilities and renounce all types of violent actions that may directly or indirectly affect the civilian population of El Salvador;

(2) to support an active role for the Secretary General of the United Nations in negotiations between the Government of El Salvador and the FMLN for the purpose of achieving a cease fire and a permanent settlement to the conflict in El Salvador in accordance with the agreement signed in Geneva on April 4, 1990, by the Secretary General, the Government of El Salvador and the FMLN; and to support the UN Observer Force in Central America (ONUCA) in verifying a cease fire, and separation of forces agreement, and

(3) to review the level of military assistance for El Salvador on a periodic basis, taking into account both--

(A) the demonstrated willingness of the Government of El Salvador and the FMLN to negotiate seriously and in good faith an internationally monitored cease fire followed by a permanent settlement to the conflict in El Salvador;

(B) whether the Government of El Salvador is taking concrete steps to reform further the armed forces, and the judicial system; and

(C) the actions of each side that affect the basic human rights of the Salvadoran people; and

(4) to comprehensively and consistently support the strengthening of democratic institutions in El Salvador.

(2)

(1)

(b) Support for Democracy Program.-- The President, either directly or through agreements with the National Endowment for Democracy or other qualified organizations, shall establish and carry out a program of education, training, and dialogue for the purpose of strengthening democratic political ~~and~~ ~~the~~ institutions in El Salvador. The program shall be designed to--

(A) assist and involve all prodemocratic sectors in El Salvador in efforts to strengthen civilian control over the armed forces;

(B) establish an effective judicial system;

(C) facilitate the free and open exchange of political views;

(D) provide for monitoring and other activities in support of free and fair elections; and

(E) increase respect for basic civil and human rights.

(2) The President may make assistance available notwithstanding section 660 of the Foreign Assistance Act to assist the Government of El Salvador's Special Investigative Unit. In addition, the President is authorized to provide assistance to fund a review by international experts to make recommendations on possible changes to facilitate judicial reform.

(Annex 1)

(C) Incentives for Peace: Amounts of Military Assistance for El Salvador.--

(1) Military Assistance Levels for Fiscal Year 1991.--

(A) Maximum Level of Military Assistance.-- The amount allocated for military assistance for El Salvador for fiscal year 1991 may not exceed \$85,000,000, but the maximum available for obligation for such assistance may be reduced by 30 percent in accordance with the provisions of this section.

(B) Tranching of Military Assistance.-- Fifteen percent of the funds allocated for military assistance for El Salvador for fiscal year 1991 shall be withheld from obligation until April 1, 1991.

(C) Availability of Tranched Assistance After April 1.-- Funds that are withheld from obligation pursuant to subparagraph (B) may be made available for military assistance for El Salvador after April 1, 1991, only if the President determines, and reports to the Congress, that the Government of El Salvador:

(i)(I) is complying with the applicable terms of an internationally monitored cease fire and arrangement for separation of forces that has been agreed to by the parties to the conflict; or

(II) is, if the FMLN is willing to do so, negotiating in good faith to achieve a cease fire and a permanent settlement to the armed conflict in El Salvador in accordance with the Declaration of Central American Presidents issued at San Isidro de Coronado, Costa Rica, on December 12, 1989, and supporting an active role for the Secretary General of the United Nations in those negotiations in accordance with the agreement signed in Geneva on April 4, 1990, by the Secretary General, the Government of El Salvador and the FMLN;

(ii) has taken concrete steps to initiate reforms to bring the armed forces of El Salvador under civilian control and to establish an officer promotion system based on merit and professional competence, respect for human rights, and respect for civilian control over the armed forces;

(iii) has taken concrete steps to initiate a comprehensive reform of El Salvador's judicial system, such reform to include the establishment of an independent, civilian investigative service; and

(iv) is conducting a thorough and professional investigation into, and has made significant progress in bringing to trial those responsible for, the 8 murders at the University of Central America on November 16, 1989.

(D) Other Uses of Funds Withheld From Assistance.-- If the President does not make the determination described in subparagraph (C), he is authorized--

(i) to transfer all or any part of the funds being withheld from obligation to appropriations accounts for development assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 for use in providing assistance for child nutrition, health, housing, education, or other programs serving the basic human needs of the people of El Salvador, especially persons who have been the victims of hostilities, or for financing critical imports, and any funds so transferred shall remain available until expended notwithstanding any other provision of law.

(ii) to use any part of the funds being withheld from obligation for cancellation expenses for military assistance programs for El Salvador, so long as such use does not result in the delivery of any further defense articles or defense services to El Salvador.

(2) Use of Military Assistance Funds to Promote Cease Fire and Process of Reconciliation.--

(A) Suspension of Military Assistance as Security Threat Diminishes.-- If at any time six months after enactment of this Act the President submits to the Congress a report containing the determination described in subparagraph (B), the President shall withhold from obligation fifteen percent of the funds allocated for military assistance for El Salvador for fiscal year 1991. Funds withheld from obligation pursuant to this subparagraph shall remain available for obligation until expended notwithstanding any other provision of law. If at any time after submitting a report described in the first sentence of this subparagraph the President determines and reports to the Congress that the criteria described in subparagraph (B) are no longer being satisfied, then the President is authorized to obligate funds notwithstanding the restrictions contained in that sentence.

af -

(B) Developments Resulting in Withholding of Military Assistance.-- The determination described in this subsection is a determination by the President that, during the six month period preceeding the date of the determination,--

(i)(I) the FMLN has complied with the applicable terms of an internationally monitored cease fire and arrangement for separation of forces that has been agreed to by the parties to the conflict; or

(II) the representatives of the FMLN have been negotiating in good faith to achieve an internationally monitored cease fire and a permanent settlement to the armed conflict in El Salvador in accordance with the Declaration of Central American Presidents issued at San Isidro de Coronado, Costa Rica, on December 12, 1989, and have been supporting an active role for the Secretary General of the United Nations in those negotiations in accordance with the agreement signed in Geneva on April 4, 1990, by the Secretary General, the Government of El Salvador and the FMLN;

(ii) the FMLN has not been acquiring or receiving assistance described in section 5 of the August 1987 Esquipulas Accord or using the territory of other states in the region in the manner described in section 6 of that Accord;

(iii) the FMLN has publicly renounced, and has ceased to engage in, acts of terrorism and economic sabotage, including attacks on civilians or government officials, attacks on public transport systems or personnel, commercial establishments, telephone communications, or the electrical power system; and

(iv) the FMLN has not been using the negotiations process as a pretext for planning or preparing for military actions or operations that would threaten the constitutional Government of El Salvador.

(C) Assistance for Combatants Upon Resolution of the Conflict.-- Whenever the President determines that doing so would materially promote the process of reconciliation, cease-fire monitoring, the reintegration, retraining, reemployment and security of former combatants in the conflict and their families, the promotion of fair elections, the President is authorized to transfer all or any part of the funds withheld from obligation pursuant to subparagraph (A) to appropriations accounts under chapter 4 of Part II of the Foreign Assistance Act for use for such purposes.

(d) Support for the Civilian Democratically-elected Government.--

(1) Termination of Military Assistance in Event of Coup.-- None of the funds allocated for military assistance for El Salvador may be obligated or expended during fiscal year 1991 if the duly-elected Head of Government of El Salvador is deposed by military coup or decree.

(2) Civilian Control over Military Assistance.-- Military assistance for fiscal year 1991 may be provided for El Salvador only pursuant to an agreement between the United States Government and the President of El Salvador. Such assistance may be delivered to the armed forces of El Salvador only with the prior approval of the President of El Salvador.

(e) Reports.-- Sixty days after the date of enactment of this Act and on March 1, 1991, the President shall submit to the Congress a report describing the willingness or unwillingness of the Government of El Salvador and the FMLN to negotiate seriously and in good faith for the purpose of achieving a ceasefire and a permanent settlement to the conflict in El Salvador, and providing appropriate information regarding the criteria described in paragraphs (1)(C) and (2)(B) of subsection ~~(c)~~ (c).

(f) Assistance for El Salvador Police.-- In order to promote the professional development of the security forces of El Salvador and to encourage the separation of the law enforcement forces from the Armed Forces of El Salvador, funds made available under chapter 4 of part II of the Foreign Assistance Act of 1961 may, notwithstanding section 660 of that Act, be provided to El Salvador for fiscal year 1991, for through 1993 purposes otherwise prohibited by section 660 of that Act, if the following conditions are met:

(1) The training provided with such assistance is provided by United States civilian law enforcement personnel.

(2) (A) The assistance is to be used for the purposes of professional development and training of the security forces of El Salvador in such areas as human rights, civil law, investigative and civilian law enforcement techniques, and urban law enforcement training.

(B) Any such assistance that is made available for equipment for these forces is intended to be used for the purchase of equipment such as communication devices, transportation equipment, forensic equipment, crime control and detection equipment, and personal protection gear. No such assistance may be used for the purchase of firearms.

(C) Subparagraph (B) does not preclude the provision of consumables and spare parts for existing inventories of firearms.

- 18 -

(3) At least 30 days before obligating such assistance, the President shall submit a report to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate that the Government of El Salvador has made significant progress during the preceding six months in eliminating any human rights violations including torture, incommunicado detention, detention of persons solely for the nonviolent expression of their political views, or prolonged detention without trial. Any such report shall include a full description of the assistance that is proposed to be provided and of the purposes to which it is to be directed.

For purposes of this subsection, the term "civilian law enforcement personnel" means individuals who are no members of the United States Armed Forces.

(g) Authorization of Appropriations.-- To carry out this section, there are authorized to be appropriated for fiscal year 1991--

(1) \$85,000,000 for military assistance on a grant basis under section 23 of the Arms Export Control Act; and

(2) \$10,000,000 for the purposes described in subsection (b)(1), \$2,500,000 for the purposes described in subsection (b)(2), and \$2,000,000 for the purposes described in subsection (f), under chapter 4 of part II of the Foreign Assistance Act of 1961.

(h) Definition of "Military Assistance".-- For purposes of this section, the "military assistance" means assistance under section 23 of the Arms Export Control Act or under Chapter 2 of Part II of the Foreign Assistance Act of 1961.

drafted:L/PM:TFBuchwald
x-7838 6/1/90
Doc. No. 82(98)