

117TH CONGRESS
1ST SESSION

H. RES. 408

Urging the Government of El Salvador to respect the country's democratic institutions.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2021

Mr. SIRES (for himself, Mr. McCAUL, Mr. MEEKS, Mr. GREEN of Tennessee, Mrs. TORRES of California, Mr. MCGOVERN, Mr. CASTRO of Texas, Mr. VARGAS, Mr. GRIJALVA, Ms. GARCIA of Texas, Mr. CICILLINE, Ms. KELLY of Illinois, Mr. TRONE, Mr. SOTO, Ms. WASSERMAN SCHULTZ, Mr. VICENTE GONZALEZ of Texas, Mr. PFLUGER, and Mr. ESPAILLAT) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Urging the Government of El Salvador to respect the country's democratic institutions.

Whereas El Salvador held legislative, municipal, and Central American Parliament elections on February 28, 2021;

Whereas the preelectoral period was marked by increased tensions and the reemergence of political violence, resulting in two known deaths;

Whereas the Organization of American States Election Observation Mission issued a statement on March 1, 2021, in which it “[congratulated] the Salvadoran people who, with patience and democratic conviction, went to the polls

on February 28 to express their will clearly and peacefully”;

Whereas the political party of President Nayib Bukele, Nuevas Ideas, won a sweeping majority of legislative seats in the February 2021 elections;

Whereas electoral officials were threatened during the vote count;

Whereas, in September 2019, President Nayib Bukele signed an agreement with the Secretary General of the Organization of American States to establish the International Commission Against Impunity in El Salvador (CICIES) in order to “support, strengthen, and actively collaborate with the institutions” of the Salvadoran state . . . “responsible for preventing, investigating, and punishing acts of corruption and related crimes” and by April 2021, the CICIES confirmed that it had sent twelve cases of possible corruption-related crimes to the office of the Attorney General;

Whereas the Government of El Salvador has increasingly been denounced for its attacks on press freedoms by organizations such as the Inter-American Commission on Human Rights and the Committee to Protect Journalists;

Whereas, during its inaugural session on May 1, 2021, the Legislative Assembly of El Salvador overwhelmingly approved motions to remove and replace all five members of El Salvador’s Constitutional Chamber of the Supreme Court and the Attorney General without just cause;

Whereas, also on May 1, 2021, the Legislative Assembly’s measure was determined unconstitutional by the deposed Constitutional Chamber, the Justices were prevented from carrying out their duties by the national police, and

the ruling was subsequently removed from the official website;

Whereas, on May 5, 2021, the Government of El Salvador implemented a law granting legal immunity to government officials for conduct related to public procurements during the COVID–19 pandemic;

Whereas, in recent weeks, top government officials have proposed a constituent assembly with reforms, including permitting Presidential reelections; and

Whereas the Government of El Salvador has discussed limiting democratic space for independent civil society: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) congratulates the people of El Salvador for
3 exercising their fundamental right to vote for legisla-
4 tive, municipal, and Central American Parliament
5 positions;

6 (2) reaffirms that combating corruption,
7 strengthening democratic institutions, and sup-
8 porting judicial independence in El Salvador are in
9 the United States national interests, as they directly
10 support regional security objectives of the United
11 States, including reducing irregular migration, com-
12 bating drug trafficking and violence, protecting
13 human rights, and promoting prosperity and eco-
14 nomic development;

1 (3) recognizes El Salvador's progress in reduc-
2 ing homicides by nearly 50 percent from 2019 to
3 2020, the lowest level in two decades;

4 (4) encourages the Government of El Salvador
5 to expand bilateral efforts with the United States to
6 address the root causes of migration;

7 (5) condemns the process by which five con-
8 stitutional court judges were removed without clearly
9 established legal cause and replaced in a way that
10 circumvented the legally prescribed vetting process
11 for selecting new justices;

12 (6) urges the Government of El Salvador to re-
13 spect the independence of the judicial branch and
14 the separation of powers as provided in the Salva-
15 doran Constitution;

16 (7) urges the Government of El Salvador to
17 guarantee the independence of the Human Rights
18 Ombudsperson (Procurador de DDHH), the Mag-
19 istrates of the Tribunal for Expenditures (Tribunal
20 de Cuentas), and the Supreme Electoral Tribunal,
21 including refraining from dismissing the Ombudsper-
22 son and Magistrates;

23 (8) calls on the Government of El Salvador to
24 guarantee the freedom of the press and refrain from

1 intimidating or harassing journalists or media out-
2 lets;

3 (9) urges the Government of El Salvador to up-
4 hold the rights of freedom of expression, association,
5 and assembly, including for human rights organiza-
6 tions and anticorruption activists, in accordance with
7 El Salvador's commitments under the American
8 Convention on Human Rights;

9 (10) recognizes the Government of El Sal-
10 vador's willingness to work with the Organization of
11 American States to fight corruption and encourages
12 the Government of El Salvador to fully cooperate
13 with the International Commission Against Impunity
14 in El Salvado (CICIES);

15 (11) expresses deep concern about the passage
16 of a law that could provide immunity for current
17 public officials engaged in acts of criminality or cor-
18 ruption during the COVID-19 pandemic;

19 (12) conveys the strong United States interest
20 in ensuring that all twelve corruption cases inves-
21 tigated by the CICIES and referred to the Attorney
22 General are completed, given the support of the
23 United States in El Salvador's fight against corrup-
24 tion;

1 (13) expresses concern about whether the newly
2 appointed Attorney General will objectively apply the
3 law, particularly given his recent comments sug-
4 gesting he might close investigations into alleged
5 corruption by the Bukele administration;

6 (14) recognizes the significance of the 1992
7 Peace Accords that ended a decade-long civil conflict
8 and established the foundation of El Salvador's
9 democratic governance, and urges the Government
10 of El Salvador to continue cooperation on investiga-
11 tions of human rights cases;

12 (15) urges the Government of El Salvador to
13 refrain from politicizing the military, police, and
14 criminal justice institutions and to ensure that they
15 can effectively fulfill their public functions while pro-
16 tecting human rights;

17 (16) encourages the Government of El Salvador
18 to strengthen government transparency and guar-
19 antee access to public information, in accordance
20 with Salvadoran law;

21 (17) encourages all political parties and political
22 figures to embrace peaceful and constructive engage-
23 ment through democratic, institutional channels as
24 the proper means to achieve their goals;

1 (18) encourages the United States Government
2 to appoint a Senate-confirmed Ambassador to El
3 Salvador as urgently as possible;

4 (19) encourages the United States Government
5 to prioritize mitigating the root causes of migration,
6 anticorruption, promoting the rule of law, and eco-
7 nomic development in its bilateral relationship with
8 El Salvador; and

9 (20) urges the United States Government to
10 work with the Government of El Salvador to imple-
11 ment economic policies recommended by the private
12 sector and civil society organizations that aim to re-
13 duce poverty, create employment, and promote sus-
14 tainable economic growth.

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