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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

December 3, 2020

The Honorable Michael Pompeo
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Secretary Pompeo:

I write to express my concern over the Trump administration's lack of response to ongoing challenges to the rule of law in El Salvador. From troubling information surrounding the government's response to the COVID-19 pandemic to deeply disturbing details of a dubious pact between President Nayib Bukele's administration and the violent Mara Salvatrucha (MS-13) gang, Salvadorans have witnessed several worrying developments in 2020. Yet, since President Bukele used armed military personnel to occupy the Salvadoran Legislative Assembly in February, the Trump administration has remained irresponsibly silent about the weakening of democratic governance in El Salvador.

On November 9, the Office of the Attorney General in El Salvador launched an extensive review of government procurement records related to President Bukele's response to the COVID-19 pandemic, with prosecutors and investigators searching the facilities of El Salvador's Health Ministry, Social Security Institute, and other government agencies. Public reports indicate that prosecutors from the Salvadoran Attorney General's office are investigating incidents of widespread irregularities in contracts related to the Bukele government's response to the pandemic.¹ The prevalence of contract mismanagement in the Bukele government's COVID-19 response not only denies the Salvadoran medical system the appropriate medical supplies and equipment needed to address the pandemic, but it also undermines the confidence of international donors that seek to support the Salvadoran people during this global health crisis.

These developments come two months after Salvadoran independent media outlets reported that the Bukele government had been secretly negotiating with MS-13, ultimately agreeing to improve prison conditions for MS-13 members in return for the gang pledging an ordered reduction of homicides and electoral support for President Bukele's *Nuevas Ideas* political party in February 2021 legislative elections.² As you know, MS-13 is one of the most violent gangs in the history of El Salvador and is largely responsible for violence that has forced hundreds of

¹ El Faro, "66.8% de las compras de insumos medicos bajo investigación por negociaciones ilícitas," November 13, 2020. https://elfaro.net/es/202011/el_salvador/24995/668--de-las-compras-de-insumos-m%C3%A9dicos-de-la-pandemia-bajo-investigaci%C3%B3n-por-negociaciones-il%C3%ADcitas.htm?st-full_text=all&tpl=11

² El Faro, "Bukele's government has been negotiating with MS-13 for a year to reduce homicides and gain electoral support," September 4, 2020. <https://mailchi.mp/elfaro.net/el-faro-english-bukele-gang-ms13-negotiations-4543956?e=79fee65b16>.

thousands of Salvadorans to flee their country. While there have been previous instances of negotiations between the Salvadoran government and violent gangs, it is alarming that the Bukele government appears to have used such talks to advance the ambitions of the President's political party.

Moreover, I am deeply concerned that President Bukele responded to the public reports about his government's negotiations with MS-13 by directly threatening independent media outlet El Faro and its staff. The Bukele government's efforts to intimidate the news media and to undermine press freedoms represent serious challenges to democratic governance in El Salvador.

Despite the troubling implications for the rule of law in El Salvador, the Trump administration has alternated between silence towards these worrying developments and continued praise of President Bukele. Such an approach hardly seems to advance U.S. national security interests or the democratic principles that serve as the foundation of our foreign policy. For these reasons, I respectfully ask for your response to the following questions no later than December 15:

- What are the implications of recent reports regarding the Bukele government's mismanagement of COVID-19 funding for U.S. efforts to support the Salvadoran people during the pandemic? Does the U.S. government have information regarding the involvement of senior Salvadoran officials in the alleged mismanagement of COVID-19 funds?
- What efforts has the Trump administration made to investigate negotiations between the Bukele government and MS-13? Does the Trump administration support the Bukele government's attempts to enlist MS-13 into the campaign efforts of President Bukele's *Nuevas Ideas* party ahead of the February 2021 elections? Was any U.S. assistance found to have benefitted MS-13 as a result of the Bukele government's negotiations?
- Why have the State Department and U.S. Ambassador Ronald Johnson remained silent about the growing challenges to democracy and the rule of law in El Salvador, and more specifically, the Bukele government's pact with MS-13?

Given the ongoing events in El Salvador, it is time for the U.S. to recalibrate its approach and prioritize policies designed to reinforce the rule of law. As part of this effort, I encourage you to expand U.S. support for the Salvadoran Attorney General's office and independent civil society and media outlets—essential checks on government power in any vibrant democracy. Continued silence is not an acceptable option. Thank you for your time and attention to this matter.

Sincerely,



Robert Menendez
Ranking Member