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One Hundred Nineteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

April 17th, 2025

The Honorable Marco Rubio
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

Dear Secretary Rubio,

We write with grave concern regarding the State Department's lack of transparency and potential circumvention of laws, including the Case-Zablocki Act, codified as amended at 1 U.S.C. Section 112b¹, and 2024 and 2025 Appropriations Acts² or prior year State Foreign Operations Appropriation Acts, to facilitate the recent removals of individuals from the United States and their detention in El Salvador, and reiterate our requests for information on international agreements or non-binding instruments governing, and any State Department funding being utilized to facilitate, these removals and/or detentions.

In remarks to the press on February 4, you announced that the United States had concluded an agreement with the Government of El Salvador to accept and detain deportees from the United States of any nationality, describing it as “the most unprecedented and extraordinary migratory agreement anywhere in the world.”³ In remarks to the press on March 28, you appeared to

¹ 1 U.S.C. 112b. United States international agreements and non-binding instruments; transparency provisions.

² Division F of P.L. 118-47 for FY2024 SFOPS and Division A of P.L. 119-4 for the full-year Continuing Appropriations Act, 2025.

³ U.S. Department of State, “Secretary of State Marco Rubio and Salvadoran Foreign Minister Alexandra Hill Tinoco at the Signing of a Memorandum of Understanding Concerning Strategic Civil Nuclear Cooperation,” February 3, 2025, <https://www.state.gov/secretary-of-state-marco-rubio-and-salvadoran-foreign-minister-alexandra-hill-tinoco-at-the-signing-of-a-memorandum-of-understanding-concerning-strategic-civil-nuclear-cooperation>.

confirm that an agreement had been reached with President Bukele in February.⁴ Subsequently, reporting has indicated that the United States has transferred hundreds of migrants—including individuals mistakenly identified as members of criminal gangs—to El Salvador without due process, where they are reportedly being held in the country’s high-security mega-prisons, including the Centro de Confinamiento del Terrorismo (CECOT), which is notorious for reported human rights abuses and harsh conditions.⁵

The Case-Zablocki Act requires that the State Department report monthly to the Foreign Affairs Committee and Senate Foreign Relations Committee on all international agreements that were “signed, concluded, or otherwise finalized the prior month” and those that entered into force the prior month.⁶ The Department must also report on any non-binding instruments that “could reasonably be expected to have a significant impact on the foreign policy of the United States” or that have been requested by the Chair or Ranking Member of either the Senate Foreign Relations Committee or House Foreign Affairs Committee within 30 days of receipt of such a request.⁷ Despite multiple requests from Committee staff, the State Department has yet to provide to the Committee any information on, or text of, the agreement or non-binding instrument you announced on February 4.

Additionally, pursuant to Section 7015(f) of the Further Consolidated Appropriations Act, 2024 which remains in effect for FY2025 pursuant to P.L. 119-4, the State Department is required to notify Congress prior to obligating or expending funds for El Salvador.⁸ Publicly available reporting suggests that the State Department may be using International Narcotics Control and Law Enforcement (INCLE) funds to facilitate these removals and/or detentions.⁹ El Salvador’s Vice President Félix Ulloa also reportedly corroborated in an April 16 meeting with U.S. Senator Chris Van Hollen that the United States is paying the Government of El Salvador to detain individual deportees outside of any judicial process.¹⁰ However, the Committee’s requests as to the use of such funds have gone unanswered, and no notification has been provided to Congress to date on the use of State Department funds for facilitating removals to and/or detentions in El Salvador. The potential use of State Department foreign assistance funds to facilitate removals to and/or detentions in El Salvador also raises concerns regarding whether the Department has

⁴ U.S. Department of State, “Secretary of State Marco Rubio Remarks to the Press,” March 28, 2025, <https://www.state.gov/secretary-of-state-marco-rubio-remarks-to-the-press->

⁵ Julie Turkewitz, Christina Thornell, David Jouppi, et al., “Who Are the Venezuelan Deportees Sent to El Salvador?,” *New York Times*, April 15, 2025, <https://www.nytimes.com/video/us/politics/100000010085123/who-are-the-venezuelan-deportees-sent-to-el-salvador.html>.

⁶ The list of required recipients also includes the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives (1 U.S.C. 112b(a)(1)).

⁷ 1 U.S.C. 112b(c), (k)(1), & (k)(5).

⁸ The explanatory statement accompanying P.L. 118-47 states, “For purposes of the Act, the term ‘regular notification procedures of the Committees on Appropriations’ shall mean such Committees must be notified not less than 15 days in advance of the initial obligation of funds.”

⁹ Ariana Figueroa, “Experts: \$6 million payment to Salvadoran prison likely violates US human rights law,” *Baltimore Sun*, April 15, 2025, <https://www.baltimoresun.com/2025/04/15/experts-6-million-payment-to-salvadoran-prison-likely-violates-u-s-human-rights-law/>.

¹⁰ Nelson Renteria, Diego Oré, and Steve Holland, “El Salvador blocks US senator from visiting wrongly deported Salvadoran man,” *Reuters*, <https://www.reuters.com/world/americas/us-senator-lands-el-salvador-seeking-release-wrongly-deported-salvadoran-man-2025-04-16/>.

complied with its Leahy Law obligations, including to vet foreign security units and ensure those associated with credible allegations of gross violations of human rights do not receive such funds.¹¹

As part of our constitutional oversight duties, and in light of the opacity surrounding the State Department's role in the agreement or non-binding instrument with El Salvador that you referenced on February 4 and its implementation, the Committee seeks to ascertain whether the Executive Branch is acting consistent with the Case-Zablocki Act, appropriations statutes, and any other applicable laws. We are additionally concerned as to whether the Executive Branch is acting consistent with the United States' obligations under international law regarding non-refoulement of an individual to a country where they face the risk of torture or other cruel, inhumane, or degrading treatment or punishment or other irreparable harm.

President Trump's meeting this week with Salvadoran President Nayib Bukele only underscores the need for answers on these pressing questions. We were disturbed to see President Trump in the Oval Office celebrating President Bukele's "state of exception" policy to crackdown on gang activity in the country, given concerns about the Bukele government's respect for human rights and its approach to combating gang activity. The State Department's 2023 Human Rights Report on El Salvador found that under the ongoing state of exception, authorities have committed widespread abuses including mass arbitrary detentions, torture, and severe due process violations, while prison conditions remain "harsh and life-threatening," marked by extreme overcrowding, systemic abuse by guards, and hundreds of deaths in custody.¹² Notably Osiris Luna, chief of the Salvadoran Penal System and Vice Minister of Justice and Public Security and a key architect of President Bukele's mass incarceration policy, is among two Salvadoran officials presently sanctioned by the U.S. Treasury for negotiating with the MS-13 gang on behalf of President Bukele and facilitating financial incentives to MS-13 gang leaders, including provision of prostitutes and cell phones, in exchange for political support for Bukele's "Nuevas Ideas" party.

Given these concerns, we request that you provide to the Committee by April 24, 2025 the full text of any agreement or non-binding instrument between the United States and El Salvador.

Additionally, we request detailed, written information by April 24, 2025 on the following:

1. A detailed and complete description of the legal authorities¹³ that the Executive Branch is relying on for the agreement or non-binding instrument to support removals to El Salvador or the detention in El Salvador of removed individuals since January 20, 2025;
2. A detailed and complete description of the assistance accounts through which the State Department has facilitated removals to El Salvador or the detention in El Salvador of

¹² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, "2023 Country Reports on Human Rights Practices: El Salvador," 2023, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/el-salvador/>.

¹³ The Case-Zablocki Act requires that the Secretary provide "the specific article or section and subsection reference whenever available and, if not available, [to be] as specific as possible" (1 U.S.C. 112b(a)(1)(A)(iii)).

removed individuals since January 20, 2025 and a breakdown of the purposes for which funds are being or will be used;

3. The date by which the Committee can expect a Congressional Notification on the use of State Department funds to support removals to, or the detention of individuals in, El Salvador, or the legal justification for why such funds are not being notified to Congress;
4. The total amount, and a list of recipients, of State Department funding expended related to removals of individuals from the United States to El Salvador or their detention since January 20, 2025, including support to the Government of El Salvador to operate prisons holding removed individuals, broken out by account and fiscal year;
5. A description of the mechanisms the Department is utilizing to monitor and evaluate the expenditure of any State Department foreign assistance funds related to removals to El Salvador or the detention in El Salvador of removed individuals and any findings resulting from such monitoring and evaluation;
6. A justification for the certification you noticed on April 2, 2025 in order to obligate certain assistance funds for the central government of El Salvador under Section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118-47) and how, if at all, the international agreement or non-binding instrument referenced by you on February 4, 2025 factored into that certification decision.¹⁴; and
7. Any role the State Department has played to expand the use of Salvadoran detention facilities for U.S. deportees, including but not limited to proposals to send American citizens convicted of crimes to El Salvador, as has been publicly discussed by the Trump Administration.

The State Department's failure to provide the Committee with information regarding the agreement or non-binding instrument with El Salvador and any related use of Department funds to implement such an agreement is a potential violation of law. We ask for your urgent attention in correcting this situation and await your timely response.

Sincerely,



Gregory W. Meeks
Ranking Member
House Foreign Affairs Committee



Joaquin Castro
Ranking Member
Subcommittee on Western Hemisphere

¹⁴ Department of State, "Certification Under Section 7045(b)(2)(A) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2024 (Div. F, Pub. L. 118-47)," *Federal Register*, April 2, 2025, <https://www.federalregister.gov/documents/2025/04/02/2025-05662/certification-under-section->