

United States Senate

WASHINGTON, DC 20510

May 15, 2025

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

Dear Secretary Rubio:

The Trump administration has boasted of its \$6 million payment to the government of El Salvador to support the detention of migrants transferred from the United States, including at *Centro de Confinamiento del Terrorismo* (CECOT) prison. Given the well-documented and credible allegations of gross violations of human rights at CECOT, including from reputable human rights organizations, it appears that this payment may have violated the State Department “Leahy law,” a statutory prohibition against U.S. assistance to foreign security force units credibly implicated in such brutality. These allegations demand a detailed explanation from the Department of State as to whether, and if so how, it concluded that this payment was lawful.

According to information the State Department sent to Congress, the Trump administration intends to provide up to \$15 million in funds to the Government of El Salvador to support the detention of certain individuals transferred to El Salvador by the United States. Press reports state that the Trump administration has already approved sending as much as \$6 million to El Salvador for that purpose.¹ On March 15, 2025, the United States sent 261 individuals to El Salvador for imprisonment at CECOT.² Of these 261 individuals, the Administration transferred 137 Venezuelans to El Salvador after invoking the Alien Enemies Act of 1798, alleging they are members of the gang Tren de Aragua.³ Then, on March 30, an additional 17 purported Tren de Aragua and MS-13 gang members were sent to El Salvador for imprisonment at CECOT.⁴

One of those men was Kilmar Abrego Garcia, who had lived in the United States for more than a decade before he was detained without any criminal charge, removed to El Salvador without due process, and imprisoned at CECOT, in what the Trump administration has conceded was a mistake,⁵ and one that put Abrego Garcia’s life in jeopardy. Abrego Garcia’s case illustrates the Administration’s dangerous use of U.S. taxpayer dollars to remove individuals

¹ Zolan Kanno-Youngs et al., *5 Takeaways from The Times’s Examination of the Salvadoran Prison Deal*, N.Y. Times (Apr. 30, 2025), <https://www.nytimes.com/2025/04/30/us/politics/trump-el-salvador-prison-deal-takeaways.html>.

² Ariana Figueroa, *Experts: \$6 million payment to Salvadoran prison likely violates US human rights law*, News from the States (Apr. 14, 2025), <https://www.newsfromthestates.com/article/us-human-rights-law-likely-violated-6m-payment-el-salvador-prison-experts-say>.

³ Ximena Bustillo & Jasmine Garsd, *Judge Boasberg voices skepticism over use of Alien Enemies Act deportations*, NPR (Mar. 21, 2025), <https://www.npr.org/2025/03/21/nx-s1-5335532/trump-judge-alien-enemies-act>.

⁴ Ariana Figueroa, *Experts: \$6 million payment to Salvadoran prison likely violates US human rights law*, News from the States (Apr. 14, 2025), <https://www.newsfromthestates.com/article/us-human-rights-law-likely-violated-6m-payment-el-salvador-prison-experts-say>.

⁵ Alan Feuer, *‘Nothing Has Been Done’: Judge Rebukes U.S. Effort to Return Wrongly Deported Man*, N.Y. Times (Apr. 15, 2025), <https://www.nytimes.com/2025/04/15/us/trump-abrego-garcia-deported-hearing.html>.

from the country without due process and fund foreign detention practices that may run afoul of basic international human rights norms.

El Salvador's prison system, including the maximum-security prison CECOT, has been the subject of significant criticism by international human rights organizations, including Amnesty International and Human Rights Watch. CECOT is notorious for its inhumane conditions, arbitrary detention practices, and systematic torture and cruel and other inhumane or degrading treatment or punishment of detainees. Reports by nongovernmental organizations describe prolonged solitary confinement, severe overcrowding, denial of medical care, and barbaric conditions — including forced starvation and physical abuse.⁶ These reports offer credible allegations of gross violations of human rights, meeting the threshold established under the Leahy law.

Section 2378d of Title 22, referred to as the State Department Leahy law, prohibits otherwise authorized U.S. assistance to “any unit of the security forces of a foreign country if the Secretary of State has credible information that such unit has committed a gross violation of human rights.”⁷ This prohibition has been interpreted to include both military and law enforcement personnel, which would cover those operating detention facilities such as CECOT. The law reflects a core U.S. value that our security assistance should never enable or be complicit in such violations abroad.

The credible allegations of gross violations of human rights at CECOT strongly suggest that the payment of as much as \$6 million was unlawful under the State Department Leahy law and raise substantial questions as to whether the Department conducted the requisite human rights vetting before disbursing these funds. According to Charles Blaha, the former longtime Director of the State Department's Office of Security and Human Rights, with responsibility for Leahy law vetting: “CECOT is a facility that exposes prisoners to torture, and cruel, degrading, and inhumane treatment and punishment. Under the Leahy [l]aw, this should disqualify CECOT from receiving U.S. assistance.”⁸

Further complicating the legal and ethical dimensions of this matter is the question of which State Department account funded the payment. Public reporting and the State Department's submission to Congress suggest the funds came from the State Department's Bureau of International Narcotics and Law Enforcement, which is primarily funded through the International Narcotics Control and Law Enforcement Account (INCLE), which would raise questions about the applicable legal authorities and programmatic justifications.⁹ Additionally,

⁶ *Unlawful Expulsions to El Salvador Endanger Lives Amid Ongoing State of Emergency*, Amnesty Int'l (Mar. 20, 2025), <https://www.amnesty.org/en/latest/news/2025/03/unlawful-expulsions-to-el-salvador-endanger-lives-amid-ongoing-state-of-emergency/>; Statement, *Human Rights Watch declaration on prison conditions in El Salvador for the J.G.G. v. Trump case*, Human Rights Watch (Mar. 20, 2025), <https://www.hrw.org/news/2025/03/20/human-rights-watch-declaration-prison-conditions-el-salvador-jgg-v-trump-case>; Michael Rios, *What we know about the El Salvador 'mega prison' where Trump is sending alleged Venezuelan gang members*, CNN (Mar. 17, 2025), <https://www.cnn.com/2025/03/17/americas/el-salvador-prison-trump-deportations-gangs-intl-latam/index.html>.

⁷ 22 U.S.C. § 2378d.

⁸ Ariana Figueroa, *Experts: \$6 million payment to Salvadoran prison likely violates US human rights law*, *News from the States* (Apr. 14, 2025), <https://www.newsfromthestates.com/article/us-human-rights-law-likely-violated-6m-payment-el-salvador-prison-experts-say>.

⁹ *Id.*

pursuant to Section 7015(f) of the Further Consolidated Appropriations Act, 2024 (the Act), which remains in effect for FY2025 pursuant to P.L. 119-4 (a statute President Trump signed into law), the State Department is required to notify Congress prior to obligating or expending funds for El Salvador, and no such notification has been submitted.

Finally, if the Department is invoking statutory “notwithstanding” authority — which allows the president to provide certain assistance “notwithstanding any other provision of law,” including for narcotics or anticrime efforts¹⁰ — then the Administration is legally required to inform Congress of that fact under section 7015(e) of the Act. It is unlawful not to inform Congress of this decision, and it is imperative that Congress be provided any precedents and internal legal opinions supporting its use in this context.

To help us better understand whether the State Department complied with its Leahy law obligations, please respond in writing to the following questions by May 30, 2025:

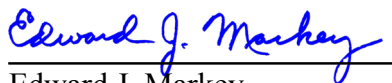
1. How much has the State Department paid El Salvador to detain migrants from the United States at CECOT? Are future payments anticipated?
2. What specific uses are associated with the payment, and who are the defined end users? Are there any other terms or conditions associated with the payment?
3. Did the Department comply with the requirements of section 7031(a) of the Act regarding government-to-government assistance? Which mechanism did the Department tell Congress it intended to use for this payment? If so, please share the relevant information and assessments. If not, why not?
4. Did the State Department determine that the payment complied with its Leahy law, after conducting human rights vetting? If so, please provide the legal and factual justifications. If not, why not?
5. Did the State Department conduct a full review of all publicly available information sources related to the security operations at CECOT? If so, what were they and what actions did the Department take in response?
6. Has the State Department received any reports or submissions through its Human Rights Reporting Gateway (<https://hrgshr.state.gov/en/>) related to abuses at CECOT or its personnel? If so, please provide them.
7. Prior to sending the payment, did the Department of State receive any assurances — diplomatic or otherwise — from the government of El Salvador regarding its treatment of individuals in CECOT or other carceral facilities in the country? If so, please summarize them; if reduced to writing, please provide a copy.
8. Please provide a copy of any and all agreements entered into between the governments of the United States and El Salvador regarding this payment or governing the transfer of people from United States to the CECOT facility in El Salvador.
9. Did the Department consult with its Bureau of Democracy, Human Rights, and Labor or its Office of the Legal Adviser regarding the legality of the payment under the State Department Leahy law or other applicable laws and treaties, such as the Convention Against Torture? If so, what were the outcomes of those consultations? If not consulted, why not?

¹⁰ 22 U.S.C. § 2291(a)(4).

10. Which specific State Department account or accounts were used to make the payment to El Salvador? Was this assistance provided through the Bureau of International Narcotics and Law Enforcement and the INCLE account? What authority did the State Department conclude it possessed to make the payment from the chosen account?
11. Please provide any records related to funding reprogramming requests that the Department made to facilitate payments to the government of El Salvador relating to its detention of individuals in CECOT or other carceral facilities in the country.
12. Did the Department notify Congress prior to making the payment, as required by Section 7015(f) of the Further Consolidated Appropriations Act, 2024, which remains in effect for FY2025 pursuant to P.L. 119-4? If so, please provide a copy of the notification. If not, why not?
13. Has the Department invoked any “notwithstanding” authority, including authority codified at 22 U.S.C. § 2291(a)(4), in this case? If so, please provide the legal analysis supporting this invocation and any prior instances in which the Department relied on this authority in similar circumstances.

Given the grave implications of this payment for U.S. compliance with its own human rights laws, we urge your prompt and comprehensive response. Upholding the rule of law and human rights must remain cornerstones of our foreign policy, including in all aspects of security assistance.

Sincerely,



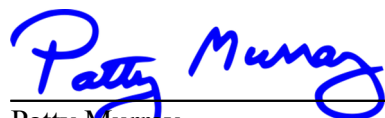
Edward J. Markey
United States Senator



Chris Van Hollen
United States Senator



Richard J. Durbin
United States Senator



Patty Murray
United States Senator



Peter Welch
United States Senator



Mazie K. Hirono
United States Senator



Bernard Sanders
United States Senator



Elizabeth Warren
United States Senator



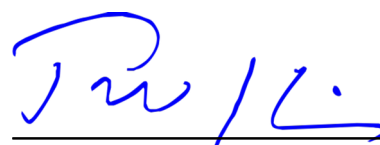
Cory A. Booker
United States Senator



Jeffrey A. Merkley
United States Senator



Alex Padilla
United States Senator



Tim Kaine
United States Senator