

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

April 14, 2025

The Honorable Marco Rubio
U.S. Department of State
2201 C St NW
Washington, DC 20520
April 14, 2025

Dear Secretary Rubio:

I write to request that the State Department move with urgency to expedite the release of all those who have been unlawfully detained in El Salvador's Terrorism Confinement Center (CECOT), including, among others, Andry Hernandez Romero and Kilmar Armando Abrego Garcia, a United States resident with no criminal record. The Trump administration has itself acknowledged that Mr. Abrego Garcia was transferred to CECOT because of an "administrative error" and a United States court has now directed the federal government to "take all steps to facilitate the return" of Abrego Garcia to the United States.

In a Justice Department filing on April 12, Senior Western Hemisphere Bureau Official Michael Kozak confirmed that Mr. Abrego Garcia was being held in CECOT. The Trump administration has confirmed that it has sent millions of taxpayer dollars to CECOT to facilitate these detentions and State Department documents suggest that upwards of \$15 million in International Narcotics Control and Law Enforcement (INCLE) funds have been set aside to send to El Salvador to house additional detainees.

I write to affirm not only that this is an unprecedented and inappropriate use of INCLE funds, but also to note the absurdity of any statement from the Trump administration regarding their inability to request and facilitate the return of those wrongfully detained in light of the fact that the administration is funding these detentions.

I write also concerning agreements or arrangements made between the United States and the Governments of El Salvador and Venezuela regarding the deportation of Venezuelan nationals. A March 15 declaration of Senior Western Hemisphere Bureau Official Michael Kozak states "arrangements were recently reached" related to "the removal to Venezuela and El Salvador of some number of Venezuelan nationals detained in the United States who are associated with Tren de Aragua." Your subsequent March 24 declaration also references "negotiating and executing the agreement." You have also mentioned "the agreement to house criminal aliens" and "an arrangement" with El Salvador in a press conference and interview on March 19 and 28.¹

¹ Marco Rubio, "Secretary of State Marco Rubio with Hugh Hewitt," State Department Press Releases, March 19, 2025; Marco Rubio, "Secretary of State Marco Rubio Remarks to the Press," State Department Press Releases, March 28, 2025.

Pursuant to the Case-Zablocki Act (1 U.S.C. § 112b), as amended by the National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263), the State Department is generally obligated to provide to the Senate Foreign Relations Committee and the House Foreign Affairs Committee agreements or non-binding instruments that are the “subject of a written communication from the Chair or Ranking Member” of either Committee.

You will recall that this provision of law and the Case Act transparency reforms have a long bipartisan history including when you were a member of this committee. Indeed, you voted in favor of these transparency reforms in committee on April 21, 2021, and again on the floor on December 15, 2022. This provision has been used to good effect numerous times on a bipartisan basis, including a request I made to former Secretary Blinken in January 2025 requesting a U.S.-Vietnam Memorandum of Understanding on cybersecurity.

This letter constitutes the statutorily required “written communication.” As such, please provide the text of any implementing agreements, arrangements for international agreements, or non-binding instruments referenced in the attached declarations by you and Senior Bureau Official Kozak, or any such agreements, arrangements, or non-binding instrument made within the past four months related to the deportation of Venezuelan nationals or other alleged criminals to El Salvador, as soon as possible.

Thank you for your attention to this matter.

Sincerely,



Jeanne Shaheen
Ranking Member