

United States Senate

WASHINGTON, DC 20510

February 10, 2025

The Honorable Marco Rubio
Secretary of State
United States Department of State
2201 C Street NW
Washington, D.C. 20451

The Honorable Pam Bondi
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Dear Secretary of State Rubio and Attorney General Bondi:

I write to urge that the Trump Administration immediately and unequivocally reject Salvadoran President Nayib Bukele's reported offer to imprison U.S. citizens and legal residents in El Salvador. Following talks with President Bukele, Secretary Rubio chillingly expressed that the Administration is "profoundly grateful" for this offer to imprison Americans overseas and characterized it as "generous."¹ Federal law does not allow the deportation of U.S. citizens,² and El Salvador's prisons are internationally notorious for life-threatening and abusive conditions.

According to media reports, Secretary Rubio stated afterward that there are "legalities involved" in whether to accept Bukele's offer, and that "the Administration will have to make a decision."³ President Trump reportedly said later that "if we had the legal right to" deport U.S. citizens convicted of crimes, he "would do it in a heartbeat."⁴ *Even entertaining this offer suggests a potential abandonment of core legal and ethical principles that protect the human and civil rights of Americans and others subject to U.S. jurisdiction.* Accordingly, I urge you to promptly and publicly refuse President Bukele's reported offer.

President Trump expressed that this offer was "no different than a prison system, except it would be a lot less expensive."⁵ To the contrary, the State Department itself has warned that, under El Salvador's current "State of Exception," "individuals imprisoned . . . do not have access to due

¹ Press Release, U.S. Dept. of State, Secretary Rubio's Meeting with Salvadoran President Nayib Bukele Readout (Feb. 3, 2025), <https://www.state.gov/secretary-rubios-meeting-with-salvadoran-president-nayib-bukele/>; Shannon K. Kingston, et al., *Trump says he'd deport US citizens convicted of crimes 'in a heartbeat' if legal*, ABC News (Feb. 4, 2025), <https://abcnews.go.com/Politics/marco-rubio-el-salvadors-president-agrees-house-us/story?id=118433524>.

² *See, e.g., Ng Fung Ho v. White*, 259 U.S. 276, 284 (1922).

³ Kingston, *supra* n.1.

⁴ *Id.*

⁵ *Id.*

process.”⁶ According to the Department, “[p]rison and detention center conditions are harsh and dangerous,” with overcrowding creating “a serious threat to prisoners’ health and lives.”⁷ The Department has further emphasized that, in many Salvadoran prison and detention center facilities, “provisions for sanitation, potable water, ventilation, temperature control, and lighting are inadequate or nonexistent.”⁸ It would be a moral and legal travesty for the U.S. government to subject anyone to such conditions.

As the Supreme Court has recognized, under the United States Constitution, “[p]risoners retain the essence of human dignity inherent in all persons. Respect for that dignity animates the Eighth Amendment prohibition against cruel and unusual punishment.”⁹ Deliberate indifference to conditions that “deprive inmates of the minimal civilized measure of life’s necessities” is cruel and unusual in violation of the Eighth Amendment.¹⁰

I look forward to your swift reply and thank you for your service to the Nation.

Sincerely,



Jon Ossoff
United States Senator

⁶ Travel Advisory, U.S. Dept. of State, El Salvador – Level 2: Exercise Increased Caution (Nov. 8, 2024), <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/ElSalvador.html>.

⁷ *Id.*

⁸ *Id.*

⁹ *Brown v. Plata*, 563 U.S. 493, 510 (2011).

¹⁰ *Rhodes v. Chapman*, 452 U.S. 337, 347 (1981).