

AMENDMENT TO H.R. 5300

OFFERED BY MR. CASTRO OF TEXAS

At the appropriate place, insert the following:

SEC. __. MANDATORY REPORTING AND OVERSIGHT OF UNITED STATES FUNDS USED IN DEPORTATIONS TO EL SALVADOR.

(a) **DEFINITIONS.**—In this section:

(1) The term “INCLE funds” means funding provided under the International Narcotics Control and Law Enforcement account.

(2) The term “deportation agreement” means any agreement, memorandum of understanding, contract, or other instrument by which United States funds are provided or committed to a foreign government (specifically El Salvador) for the purpose of imprisoning, detaining, or otherwise holding foreign nationals removed or deported from the United States.

(3) The term “CECOT” means El Salvador’s Terrorism Confinement Center or any substantially equivalent facility used in such deportation arrangements.

(b) **REPORT.**—Not later than 60 days after the date of the enactment of this Act, and semi-annually thereafter, the Secretary shall submit to Congress a report containing the following information with respect to all deportation arrangements using INCLE funds (including those already in effect and those proposed as of the date of the submission of the report):

(1) The total amount of INCLE funds appropriated, obligated, or disbursed for such deportation arrangements.

(2) The date each such agreement was entered into, and its duration and expiration (or whether ongoing).

(3) The number of individuals deported or transferred under the agreement, by nationality, gender, date of deportation or

transfer, and whether each was convicted of a crime, had a pending immigration case, or had no criminal record.

(4) The legal basis for each individual's transfer, including under what authority (such as the Alien Enemies Act, immigration removals, or other statutes), and a description of the process by which individuals are designated for transfer.

(5) Details of due process protections afforded each individual: notice, access to legal counsel, ability to challenge their designation, ability to seek relief (such as asylum or withholding of removal), and any judicial oversight.

(6) The role, if any, of the Government or courts of El Salvador in the detention facility (including CECOT), including whether the facility is under Salvadoran jurisdiction or under United States control in fact or by contract.

(7) Conditions of detention, including access to medical care, legal representation, family communication, oversight and monitoring, any allegations of abuse or mistreatment.

(8) Any assurances in writing that United States funds will not be used to violate human rights, including any Leahy Law (prohibitions on funding foreign security forces who commit gross human rights abuses) compliance, and evidence of monitoring or audits.

(9) Estimated or actual costs per detainee, per day or otherwise, of detention under the agreement.

(10) Whether any individuals held under such agreements have been or are being released and if so, when and under what conditions.

(c) PUBLIC AVAILABILITY.—Each report required by subsection (b) shall be made to the public, except to the extent redactions are necessary for national security. A redacted version shall be published on an official website of the Department, and copies shall be delivered to the appropriate congressional committees.

(d) CONGRESSIONAL OVERSIGHT.—Not later than 30 days after the date of the submission of each report under subsection (b), the Secretary and the heads of any other administering agencies shall testify in a public hearing to the appropriate congressional committees regarding the findings in the report, including any human rights concerns, legal compliance, and how INCLE funds are being used.

(e) PROHIBITION ON FUTURE AGREEMENTS.—No amounts made available on or after the date of the enactment of this Act for INCLE funds may be made available for a deportation arrangement with El Salvador (or substantially similar agreement) unless the Secretary certifies in writing to Congress the following:

(1) The arrangement provides adequate due process for individuals detained or deported.

(2) The facility or facilities involved meet minimum standards for detention (as defined by Federal or international law) including humane treatment, medical care, legal access, oversight.

(3) The arrangement does not violate the Leahy Law or any similar statutory human rights protections.

(4) There is a mechanism for independent monitoring by civil society or international human rights bodies.

(5) There is transparency about who is detained, on what grounds, and how they may challenge detention or removal.

(f) SUNSET.—This section shall terminate on the date that is 5 years after the date of the enactment of this Act unless renewed upon the completion of a comprehensive review to assess the impact, benefits, costs, and compliance with applicable law.