

United States Senate

WASHINGTON, DC 20510

February 4, 2025

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

Dear Secretary Rubio:

The effective administration of U.S. foreign assistance is critical to advancing core U.S. national security priorities, including countering the influence of China, Russia and Iran. As you acknowledged at your confirmation hearing, pushing back on China in particular is a top bipartisan priority.

As such, we are deeply concerned by reports of not only growing chaos and dysfunction at the Department of State, but the Administration's brazen and illegal attempts to destroy the U.S. Agency for International Development (USAID). Mass personnel furloughs of dubious legality and abrupt, blanket stop-work orders without regard to relevant appropriations laws are causing immediate harm to U.S. national security, placing U.S. citizens at risk, disrupting life-saving work and breaking the U.S. government's contractual obligations to private sector partners.

The Administration's failure to consult with Congress prior to taking these steps violates the law and impedes Congress's constitutional duty to conduct oversight of funding, personnel and the nation's foreign policy. The Administration's failure to expend funds appropriated on a bipartisan basis by Congress would violate the Impoundment Control Act.

Foreign assistance is critical to supporting U.S. strategic interests around the world. Foreign assistance protects U.S. national security, advances U.S. values, and ensures the U.S. is the partner of choice for everything from defense procurement to cutting edge scientific research. China, Russia and Iran are already moving rapidly to exploit the vacuum and instability left by the U.S.'s sudden global retreat.

Every Administration has the right to review and adjust ongoing assistance programming. However, attempting to arbitrarily turn off core functions of a critical U.S. national security agency, without Congressional consideration or any metric-based review and absent legal authority to do so, is unprecedented and deeply disturbing.

We request immediate clarification on the following:

Status of USAID:

1. Confirmation of your understanding that any effort to abolish USAID or merge USAID into the Department of State absent Congressional consultation and approval is illegal.
2. Confirmation of your understanding that adversaries such as China, Russia and Iran are quickly moving into the vacuum left by suspended USAID programs.
3. The Department of State's assessment of Mr. Elon Musk's financial ties to China and the impact of these ties to the decision-making process of Mr. Musk and his employees.
4. Confirmation that neither you nor any member of your leadership team are taking direction from Mr. Musk with regards to the work of the Department of State or USAID, personnel or financial decisions for either agency, or any other matters relevant to U.S. national security.
5. Confirmation of the names and employment status of individuals directed by Mr. Musk to engage with USAID staff, the qualifications of these individuals, and the level of their security clearances – if any.

Personnel:

1. Confirmation of your understanding that any unauthorized access by or disclosure of classified information to individuals without appropriate security clearance could be considered a criminal offense.
2. The legal authority and rationale under which, on January 28, more than 50 senior career civil and foreign service USAID officials were placed on administrative leave. This move was not only unprecedented, but also inconsistent with the Office of Personnel Management's own guidelines for the use of administrative leave.
3. The legal authority under which, on January 28, approximately 390 USAID Institutional Support Contractors (ISCs) were given stop-work orders, and clarification of which Administration official directed the implementation of this termination.
4. Whether any Department of State career civil and foreign service or contractors have been placed on administrative leave or removed from their roles as a result of or relating to the assistance freeze or any directives from the Office of Foreign Assistance.
5. Clarification of which Administration official directed the implementation of this mass furlough.

6. Clarification of whether these individuals were directed to be terminated without cause.
7. Confirmation that personnel will not face retaliation or retribution for performing their duties under the previous Administration's policy direction.
8. Under what authorities and by which official's directive career civil service, foreign service, and Personal Services Contractors (PSC), and those under other hiring authorities have been removed from their roles or limited in their ability to execute their work.
9. Confirmation that further career civil service, foreign service and USAID contractors will not be removed from their roles without cause or receive stop work orders.
10. Whether, upon full resumption of legally mandated foreign assistance activities, the Administration intends to re-hire contractors who have been removed from their roles.
11. Any additional guidance provided to State and USAID staff regarding the foreign assistance freeze, including confirmation of whether direct hires, contractors, or implementing organizations have been directed not to speak publicly about the foreign assistance freeze.
12. Public identification of the individual currently serving as the Director or Acting Director of the State Department's Office of Foreign Assistance and as Acting Deputy Administrator of USAID, and the dates upon which this individual was appointed to each position.
13. Confirmation of your understanding that the State Department's Director of Foreign Assistance has no authority to issue personnel directives for USAID.

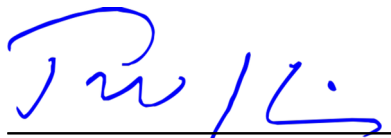
Resumption of Foreign Assistance:

1. The specific process and anticipated timeframe for activities to receive exemptions or waivers, as referenced in your January 28, 2025 directive to State and USAID staff.
2. The mechanisms and metrics established for this waiver process.
3. The timeline for full resumption of legally mandated foreign assistance activities.
4. Clarification of what risk assessment or analysis of potential risk to U.S. national security interests were conducted prior to the decision to freeze foreign assistance activities.
5. Confirmation of the Department of State's obligation to comply with U.S. contract law and your responsibility as Secretary of State ensure the Department honors its commitments to contracting partners.

We welcome your urgent attention to these questions. We and our staff stand ready to work with you to ensure U.S. foreign assistance funding continues to be deployed effectively to protect

American citizens, at home and abroad.

Respectfully,



Tim Kaine
United States Senator



Cory A. Booker
United States Senator



Mark R. Warner
United States Senator



Jack Reed
United States Senator



Richard J. Durbin
United States Senator



Brian Schatz
United States Senator



Gary C. Peters
United States Senator



Ron Wyden
United States Senator



Amy Klobuchar
United States Senator



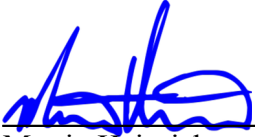
Elizabeth Warren
United States Senator



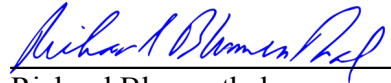
Bernard Sanders
United States Senator



Sheldon Whitehouse
United States Senator



Martin Heinrich
United States Senator



Richard Blumenthal
United States Senator



Christopher A. Coons
United States Senator



Christopher S. Murphy
United States Senator



Jeffrey A. Merkley
United States Senator



Chris Van Hollen
United States Senator



Tammy Duckworth
United States Senator



Jacky Rosen
United States Senator



Michael F. Bennet
United States Senator



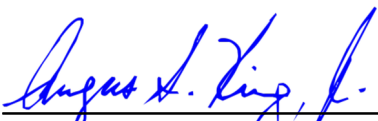
Kirsten Gillibrand
United States Senator



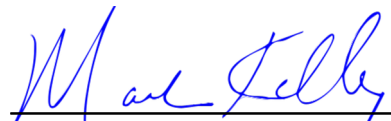
Elissa Slotkin
United States Senator



Mazie K. Hirono
United States Senator



Angus S. King, Jr.
United States Senator



Mark Kelly
United States Senator



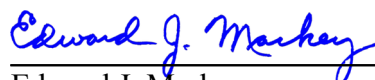
Lisa Blunt Rochester
United States Senator



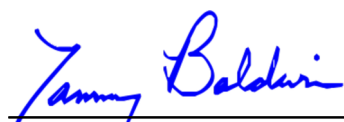
Ruben Gallego
United States Senator



Peter Welch
United States Senator



Edward J. Markey
United States Senator



Tammy Baldwin
United States Senator



Andy Kim
United States Senator



Adam B. Schiff
United States Senator



John Hickenlooper
United States Senator



Alex Padilla
United States Senator



Tina Smith
United States Senator



Catherine Cortez Masto
United States Senator