

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 4, 2018

The Honorable Gene L. Dodaro
Comptroller General of the United States
United States Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

As you know, the Government Accountability Office's (GAO) mission is "to support the Congress in meeting its constitutional responsibilities and to help improve the performance and ensure the accountability of the federal government for the benefit of the American people." I am concerned that the Department of State, under then-Secretary of State Tillerson's leadership, acted in a way that jeopardized U.S. national security and put at risk the physical safety of current beneficiaries of the Temporary Protected Status (TPS) designation, and therefore ask that the GAO examine the Department's decision-making process in the termination of the TPS designations for El Salvador, Haiti, and Honduras.

In recent months, pursuant to its mandate to conduct oversight of the State Department, the Senate Foreign Relations Committee (SFRC) reviewed:

- An October 31, 2017 letter from then-Secretary of State Rex Tillerson to then-Acting Secretary of Homeland Security Elaine Duke, which contained his recommendations on TPS;
- Department of State Recommendations Regarding TPS for El Salvador, Haiti, and Honduras, which accompanied then-Secretary Tillerson's October 31, 2017 letter; and
- Diplomatic cables from the U.S. Embassies in El Salvador, Haiti, and Honduras related to the Embassies' recommendations regarding TPS (Cable numbers: San Salvador 860, dated July 7, 2017; Port-au-Prince 2744, dated August 3, 2017; and Tegucigalpa 618, dated June 29, 2017).

As a result of the ongoing SFRC investigation, I am concerned that then-Secretary Tillerson recommended that the Department of Homeland Security (DHS) terminate the TPS designations for El Salvador, Haiti, and Honduras in deliberate disregard of the counsel and expertise of State Department officials in Washington and at the U.S. Embassies in all three countries.

The above documents indicate that then-Secretary Tillerson issued his recommendation to terminate the TPS designations for El Salvador, Haiti, and Honduras despite several strong

warnings that doing so would harm U.S. national security and jeopardize the United States' ability to advance its foreign policy objectives in all three countries. In the cases of El Salvador and Honduras, he was advised that terminating TPS would directly negatively impact bilateral cooperation needed to combat transnational criminal organizations, including MS-13.

The documents also imply that then-Secretary Tillerson was aware that the governments of El Salvador, Haiti, and Honduras lacked the capacity to repatriate tens of thousands of individuals and could not guarantee the safety and well-being of TPS beneficiaries returning to their country of origin, nor the U.S.-citizen children that would be traveling with them. Furthermore, then-Secretary Tillerson appears to have disregarded warnings about how the complicated security and economic conditions in El Salvador and Honduras would leave returning TPS beneficiaries and their accompanying U.S.-citizen children vulnerable to recruitment by criminal gangs, such as MS-13, or other forms of illicit employment. Additionally, the documents suggest that then-Secretary Tillerson ignored the fact that massive repatriation efforts, combined with these security and economic conditions, could accelerate unauthorized immigration into the United States.

I am also concerned by evidence that the White House Domestic Policy Council has sought to repeatedly influence the decision-making processes at the State Department and DHS in order to ensure a pre-determined outcome for political purposes, thereby resulting in the termination of the TPS designations for El Salvador, Haiti, and Honduras.

Given these concerns, I ask that you initiate an examination that considers, at a minimum, the following questions:

1. What steps did the Department of State take to identify the negative consequences to U.S. national security and the risks to the safety of TPS beneficiaries and their U.S.-citizen children? As part of this review, please consider the information presented in the Department of State Recommendations Regarding TPS for El Salvador, Haiti, and Honduras, and relevant cables from the U.S. Embassies in San Salvador, Port-Au-Prince, and Tegucigalpa.
2. What, if any, documentation exists that then-Secretary Tillerson reviewed the concerns presented in the above-mentioned documents before making his recommendation that DHS terminate the TPS designations for El Salvador, Haiti and Honduras?
3. What, if any, documentation exists to demonstrate the extent to which then-Secretary Tillerson considered and weighed these extensive concerns before making his recommendation?
4. What is known about how then-Secretary Tillerson's recommendation has had a negative impact on diplomatic relations with all three countries and jeopardized the ability of the United States to advance its foreign policy objectives?

5. What is known about the State Department's efforts to work with these countries to mitigate the negative consequences to U.S. national security and the risks to the safety of TPS beneficiaries and their U.S.-citizen children?
6. What is known about the White House Domestic Policy Council's efforts to influence the State Department's TPS decision-making process?

Thank you for your time and consideration. If you any additional questions, please contact my office. I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a large initial "R" and a long, sweeping tail.

Robert Menendez
Ranking Member