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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

November 7, 2019

The Honorable Steve A. Linick
Inspector General
U.S. Department of State
Office of the Inspector General
SA-39
1700 North Moore Street
Arlington, VA 22209

Dear Inspector General Linick:

I am writing to request that you review the State Department's role in the Trump Administration's decision to terminate Temporary Protected Status (TPS) designations for El Salvador, Honduras, and Haiti. A Senate Foreign Relations Committee (SFRC) Democratic staff investigation has uncovered documents that indicate Department political appointees introduced electoral considerations into the TPS decision-making process in contravention of the statute. This raises the question of whether Secretary of State Rex Tillerson's recommendation to terminate TPS designations for these three countries may have been influenced by political considerations that have no place in policy decisions about U.S. national security and humanitarian protections.

In an October 26, 2017 Action Memo to Secretary Tillerson, political appointees in the Office of Policy Planning (S/P) recommended a shorter termination period so that the end of the TPS designations for El Salvador, Honduras, and Haiti did not occur "in the middle of the 2020 election cycle."^[1] The recommendations by Trump Administration political appointees in S/P ran counter to the guidance provided by every other office in the State Department, including: then-Undersecretary of State Thomas A. Shannon; the Bureau of Western Hemisphere Affairs; the Bureau of Population, Refugees, and Migration; and the U.S. Embassies in San Salvador, Tegucigalpa, and Port-au-Prince.

At the time that the memorandum was submitted to Secretary Tillerson, Taryn Frideres was Chief of Staff for S/P, Brian Hook was the Director of S/P, and Kimberly Breier was the S/P advisor responsible for the Western Hemisphere portfolio, which includes El Salvador, Honduras, and Haiti. Mr. Hook and Ms. Frideres still hold positions at the State Department. Redacted emails released pursuant to a Freedom of Information Act request show a number of communications between Ms. Frideres, Mr. Hook, and Ms. Breier regarding the TPS decision-making process.

^[1] Memorandum from Simon Henshaw, Acting Assistant Secretary, Bureau of Population, Refugees, and Migration, and Francisco Palmieri, Acting Assistant Secretary, Bureau of Western Hemisphere Affairs, to Rex Tillerson, Secretary of State, at 1-2, Oct. 26, 2017.

The Office of the Inspector General should determine the extent to which 2020 electoral considerations played a role in S/P's decision making for TPS designations for El Salvador, Honduras, and Haiti and its ultimate recommendation to the Secretary. An investigation should address, at minimum, the following questions:

1. Did Secretary Tillerson base his final recommendation to end the TPS designations for El Salvador, Honduras, and Haiti with a termination period of 18 months on the electoral calculations of S/P advisors?
2. Did Secretary Tillerson and Trump Administration political appointees place electoral and political considerations over U.S. national security and the safety of TPS recipients and their American citizen children (as identified by senior officials in the State Department and U.S. Embassies in El Salvador, Honduras, and Haiti)?
3. Beyond the written reference to the 2020 elections in the October 26, 2017, Action Memo to Secretary Tillerson, what additional communications did Ms. Frideres, Mr. Hook, and Ms. Breier have regarding the 2020 elections and how did these communications influence Secretary Tillerson's final decision?
4. Did S/P appointees or other Department officials discuss considerations related to the 2020 election with White House officials, including, but not limited to, Stephen Miller?

Thank you in advance for your attention to this letter. I look forward to your prompt response.

Sincerely,



Robert Menendez
Ranking Member