



One Hundred Eighteenth Congress  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

September 26, 2023

Mr. Patrick J. Lechleitner  
Acting Director  
U.S. Immigration and Customs Enforcement  
500 12th Street, S.W., Mail Stop 5003  
Washington, D.C. 20536

Dear Acting Director Lechleitner:

The Committee on Homeland Security (Committee) continues its oversight of U.S. Immigration and Customs Enforcement (ICE)'s contracts related to housing and supervision of illegal migrants encountered at the Southwest border.<sup>1</sup> According to a recent media report, contracts relating to detention and Alternatives to Detention (ATD) require ICE's Office of Immigration Program Evaluation (OIPE) approval.<sup>2</sup> OIPE is led by Ms. Claire Trickler-McNulty, a political appointee who previously worked on the Biden-Harris transition team, and is part of ICE's Office of the Director with focus on policies and reforms related to immigration enforcement and supervision, including the ATD program.<sup>3</sup> The Committee is concerned about OIPE's authority and operations and its impacts on Enforcement and Removal Operations' (ERO) law enforcement mission to implement immigration enforcement, supervision, and detention.

According to ICE, OIPE focuses on developing and facilitating policy and process reforms that address how individuals engage with ICE and how those individuals are supervised through their removal proceedings.<sup>4</sup> Ostensibly, as its name suggests, OIPE evaluates current programs and policies to develop reforms. OIPE program evaluation standards, however, are unclear. For example, ICE's Annual Report for Fiscal Year 2022 notes that OIPE drives reforms and improvement related to detention and ATD programs.<sup>5</sup> A June 2022 Government

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<sup>1</sup> Letter from Hon. John Katko, Ranking Member, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Dec. 7, 2022); Letter from Hon. Mark Green, Chairman, H. Comm. on Homeland Sec., to Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't (Jan. 30, 2023); Letter from Hon. Mark Green et. al., H. Comm. on Homeland Sec., to Patrick J. Lechleitner, Acting Dir., U.S. Immigr. and Customs Enf't (Aug. 10, 2023).

<sup>2</sup> Jennie Taer, *ICE Gave Contract-Approval Authority to Officials Who Had Worked for Org Defending Migrants from Deportation*, DAILY CALLER, Sept. 22, 2023, <https://dailycaller.com/2023/09/22/ice-gave-contract-approval-authority-to-official-who-had-worked-for-group-defending-migrants-from-deportation>.

<sup>3</sup> *Office of Immigration Program Evaluation*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.ice.gov/leadership/oipe> (last visited Sept. 25, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> U.S. IMMIGR. AND CUSTOMS ENF'T., ICE ANNUAL REPORT FISCAL YEAR 2022 58 (DEC. 30, 2022), *available at* <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2022.pdf>.

Accountability Office (GAO) report, however, suggests that ICE lacks performance goals to identify which ATD programs are achieving the intended results and to identify the need for improvements.<sup>6</sup> OIPE is involved in ATD supervision expansion through the Young Adults Case Management Program,<sup>7</sup> the Case Management Pilot Program,<sup>8</sup> and the Release and Reporting Management Program.<sup>9</sup> Based on GAO's findings that ICE lacks performance goals for ATD evaluation, OIPE's basis for expanding ATD programming is concerning.

ICE's Annual Report also notes that OIPE created a workflow process to approve all substantive detention and ATD-related contract actions.<sup>10</sup> According to a recently published internal memorandum, on May 12, 2021, then-Acting ICE Director Tae Johnson directed that all procurement actions relating to detention or ATD programs be approved by Ms. Trickler-McNulty.<sup>11</sup> Ms. Trickler-McNulty has no law enforcement experience, and, according to Committee sources, manages OIPE remotely while not living in the Washington, D.C. area.

Prior to her role in OIPE, Ms. Trickler-McNulty was Deputy Director for Legal Services at Kids in Need of Defense (KIND), a nonprofit organization which previously demanded that the Department of Homeland Security cease all deportations,<sup>12</sup> and affiliated with an "Abolish ICE" organization during her tenure.<sup>13</sup> Before her employment with KIND, Ms. Trickler-McNulty worked at ICE on custody management and detention with Mr. Andrew Lorenzen-Strait, who was recently exposed for "brokering deals" for inexperienced nonprofits to win federal contracts relating to migrants.<sup>14</sup> Moreover, in December 2022, Ms. Trickler-McNulty held an ATD Symposium promoting social services and over 100 stakeholders from nongovernment organizations, academia, and private industry attended.<sup>15</sup> Ms. Trickler-McNulty's lack of law enforcement experience and association with nonprofit organizations that win lucrative government contracts call into question her impartiality in ICE's contract process.

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<sup>6</sup> U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-22-104529, ALTERNATIVES TO DETENTION: ICE NEEDS TO BETTER ASSESS PROGRAM PERFORMANCE AND IMPROVE CONTRACT OVERSIGHT (2022).

<sup>7</sup> *Supra* note 5 at 59.

<sup>8</sup> *DHS Case Management Pilot Program*, U.S. IMMIGR. AND CUSTOMS ENF'T, <https://www.dhs.gov/dhs-cmpp> (last visited Sept. 25, 2023).

<sup>9</sup> See U.S. Immigr. and Customs Enf't., *Request for Information, Monitoring Technology*, available at <https://sam.gov/opp/75306742643145f4ab35c320289e50b/view> (describing Alternatives to Detention as the precursor to the new Release and Reporting Management program).

<sup>10</sup> *Supra* note 5 at 58.

<sup>11</sup> See *supra* note 2.

<sup>12</sup> KIND (@supportKIND), Twitter (Apr. 9, 2020, 14:00 EST), [https://twitter.com/supportKIND/status/1248309900964397056?ref\\_src=twsrc%5Etfw](https://twitter.com/supportKIND/status/1248309900964397056?ref_src=twsrc%5Etfw).

<sup>13</sup> See Letter from Abolish ICE Denver et. al., to Chad F. Wolf, Acting Sec'y, Dep't of Homeland Sec. and Robert R. Redfield, MD, Dir., Ctrs. for Disease Control and Prevention (May 27, 2020), available at <https://www.socialworkers.org/LinkClick.aspx?fileticket=5b-peEWxmkU%3D&portalid=0> (joining as signatory with Abolish ICE Denver and other anti-enforcement groups, on a letter criticizing the Dep't of Homeland Sec. for its immigration-related COVID-19 policies).

<sup>14</sup> Project Veritas, YOUTUBE (Aug. 8, 2023), [https://www.youtube.com/watch?v=SGgJ-ffUi\\_c](https://www.youtube.com/watch?v=SGgJ-ffUi_c).

<sup>15</sup> Press Release, U.S. Immigr. and Customs Enf't, ICE Hosts Alternatives to Detention Program Symposium (Dec. 2, 2023), available at <https://www.ice.gov/news/releases/ice-hosts-alternatives-detention-program-symposium>.

The Committee is also concerned that Ms. Trickler-McNulty's history and relationships may undermine ICE's enforcement mission. In a February 18, 2021 memorandum to all ICE employees, then-Acting Director Johnson outlined categories of illegal aliens that ICE would consider "priorities" for enforcement actions.<sup>16</sup> If a law enforcement officer wants to take enforcement or removal action on an illegal alien that does not meet the priority criteria, the action requires preapproval from a senior reviewing official (SRO), such as the ERO Field Office Director or the Homeland Security Investigations Special Agent in Charge.<sup>17</sup> According to Committee sources, Ms. Trickler-McNulty has the ability to overturn SRO enforcement decisions, despite her lack of law enforcement experience. Review of specific enforcement seems to be outside the scope of OIPE's responsibilities.

To assist the Committee with its oversight of OIPE's authority and influence over acquisition and contracts related to ICE's programs, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on October 10, 2023:

1. Documents sufficient to show OIPE's mission, standard operating procedures, and responsibilities;
2. Documents sufficient to show the job and workload gap analysis performed to determine the need for OIPE, including but not limited to the justification for OIPE and the position of assistant director;
3. OIPE's organizational chart;
4. Copies of all files kept by ICE contracting officials for each sole source contract referring or relating to migrant services, detention, or ATD awarded by ICE from January 20, 2021, to the present;
5. Documents sufficient to show all OIPE analysis, evaluations, assessments, reports, or justifications related to migrant services or ATD, from January 20, 2021, to the present;
6. Documents sufficient to show Claire Trickler-McNulty's job description, duties, and responsibilities;
7. Any signed telework or remote work agreement for Claire Trickler-McNulty;
8. Documents sufficient to show the total travel expenses incurred by Claire Trickler-McNulty during her time as Assistant Director for OIPE;
9. All documents and recordings created for the Alternatives to Detention program symposium held in December 2022;

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<sup>16</sup> Memorandum from Tae D. Johnson, Acting Dir., U.S. Immigr. and Customs Enf't. to All ICE Employees (Feb. 18, 2021) (on file with author).

<sup>17</sup> *Id.*

10. Documents sufficient to show a list of all attendees to the Alternatives to Detention program symposium held in December 2022, and the names of the attendees' respective organizations;
11. Documents sufficient to show Claire Trickler-McNulty's role in the enforcement review process outlined in then-Acting Director Tae Johnson's February 18, 2021, memorandum;<sup>18</sup>
12. All documents and communications referring or relating to Claire Trickler-McNulty's input, analysis, or decision on any enforcement action review required in accordance with then-Acting Director Tae Johnson's February 18, 2021 memorandum; and
13. All documents and communications referring or relating to the Release and Reporting Management Request for Information Working Group or the Standards Working Group, from January 20, 2021, to the present.

An attachment contains instructions for responding to this request. Please contact the Committee on Homeland Security Majority staff at (202) 226-8417 with any questions about this request.

Per Rule X of the U.S House of Representatives, the Committee on Homeland Security is the principal committee of jurisdiction for overall homeland security policy, and has special oversight functions of "all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security."

Thank you for your prompt attention to this important matter.

Sincerely,



MARK E. GREEN, M.D.  
Chairman  
Committee on Homeland Security



DAN BISHOP  
Chairman  
Subcommittee on Oversight,  
Investigations, and Accountability

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<sup>18</sup> *Id.*

Secretary Mayorkas  
September 26, 2023  
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A handwritten signature in black ink that reads "Clay Higgins". The signature is written in a cursive, flowing style.

CLAY HIGGINS  
Chairman  
Subcommittee on Border Security  
and Enforcement

Encl.

cc: The Honorable Bennie Thompson, Ranking Member  
Committee on Homeland Security

The Honorable Glenn Ivey, Ranking Member  
Subcommittee on Oversight, Investigations, and Accountability

The Honorable Lou Correa, Ranking Member  
Subcommittee on Border Security and Enforcement