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United States Senate

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June 18, 2018

Kathy Kraninger
Program Associate Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Ms. Kraninger,

We write seeking documents and other information about your role in the development and implementation of the Trump Administration's "Zero-Tolerance Policy," which has led the Administration to separate thousands of young children from their parents.

Since March 2017, you have served as the Program Associate Director for General Government Programs at the Office of Management and Budget.¹ In that role, you oversee seven Executive Branch agencies, including the Department of Homeland Security (DHS) and the Department of Justice (DOJ).² That oversight role involves not only preparing the President's annual budget request for those agencies, but also providing "ongoing policy and management guidance," "oversee[ing] implementation of policy options," and working with agencies throughout the year as they shift money to implement new legislation or Administration policy.³

On April 6, 2018, Attorney General Jeff Sessions announced a "Zero-Tolerance Policy for Criminal Illegal Entry." That Zero-Tolerance Policy directed all U.S. Attorneys who serve in districts along the U.S.-Mexico border to criminally prosecute all cases of attempted illegal entry or illegal entry that are referred by DHS.⁴ This policy has resulted in DHS tearing away more than 2000 children from their parents because children are not permitted in adult criminal detention facilities.⁵ The children are instead put into the custody of the federal Office of

¹ The White House, "President Donald J. Trump Announces Intent to Nominate and Appoint Personnel to Key Administration Posts," <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-appoint-personnel-key-administration-posts-11/>

² *Id.*

³ Congressional Research Service, "Introduction to the Federal Budget Process," December 2012, <http://www.crs.gov/Reports/98-721?source=search&guid=002838890c9649df9a1ffcb4ee5efb2e&index=6>

⁴ U.S. Department of Justice, "Attorney General Announces Zero-Tolerance Policy from Criminal Illegal Entry," <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>

⁵ Washington Post, "Facing outcry over family separations, DHS chief says, 'We will not apologize,'" Nick Miroff, June 18, 2018, https://www.washingtonpost.com/world/national-security/facing-outcry-over-family-separations-dhs-chief-says-we-will-not-apologize/2018/06/18/d1e85466-7305-11e8-9780-b1dd6a09b549_story.html?noredirect=on&utm_term=.198a07686abd

Refugee Resettlement.⁶ In contrast, when families are detained in immigration proceedings, they are typically held together.⁷

You have served as a top White House budget official with oversight of DOJ and DHS as those two agencies developed and implemented the Zero-Tolerance Policy. In that role, you may have been involved in providing “policy and management guidance” on the Zero-Tolerance Policy, helped implement the Zero-Tolerance Policy, and worked with DHS on budgetary and funding issues as it adjusted to the Zero-Tolerance Policy.

Therefore, we ask that you provide:

- 1) A complete description of any role you may have played in OMB budgetary or policy decisions, analyses, or recommendations related to DOJ’s Zero-Tolerance Policy, DHS’s implementation of the changes stemming from this policy, and the separation of children from their parents who were detained under such policy. Please include a list of all meetings you attended (in person or by telephone or other electronic means) related to these budgetary or policy decisions, analyses, or recommendations, the topics discussed in these meetings, and a list of all other attendees of these meetings.
- 2) All emails and other documents related to your communications with DOJ officials related to the development and implementation of DOJ’s Zero-Tolerance Policy and the separation of children from their parents who were detained under such policy.
- 3) All emails and other documents related to your communications with DHS officials regarding the DHS role in separation of children from their parents who were detained under the DOJ Zero-Tolerance policy.
- 4) All emails and other documents related to your communications with White House officials, including Senior Advisor to the President Stephen Miller, related to the development of the Zero-Tolerance Policy, DHS’s implementation of changes stemming from the Zero-Tolerance Policy, or the separation of children from their parents who were detained under the Zero-Tolerance policy.
- 5) Any final or draft OMB analyses, recommendations, or budgetary or policy decisions in which you were involved related to the DOJ Zero-Tolerance Policy, or related to DHS role in this policy, including DHS’s role in the separation of children from their parents who were detained under the DOJ Zero-Tolerance Policy, and any emails, or other communications related to these final or draft recommendations, or budgetary or policy decisions.

⁶ USA Today, “Does the Trump administration have a policy of separating families at the border,” June 18, 2018, <https://www.usatoday.com/story/news/politics/2018/06/18/does-trump-administration-have-policy-separating-families/709873002/>

⁷ *Id.*

- 6) All emails and other documents relating to your involvement with the Zero-Tolerance Policy, including the approval of new or reprogrammed funds for: the construction or acquisition of new detention facilities; salaries; travel and overtime for DHS personnel; resources for additional criminal or immigration enforcement; or travel costs for repatriation.

The American people deserve to know what role you have played in developing and implementing this appalling process.

Sincerely,



Elizabeth Warren
U.S. Senator



Sherrod Brown
U.S. Senator