

United States Senate

WASHINGTON, DC 20510

July 10, 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 Trump Administration's response to Hurricane Maria in Puerto Rico.

Since March 2017, you have served as the Program Associate Director for General Government Programs at the Office of Management and Budget (OMB).¹ In that role, you oversee seven Executive Branch agencies, including the Department of Homeland Security (DHS), the Department of the Treasury (Treasury), and the Department of Housing and Urban Development (HUD).² That oversight role involves providing “ongoing policy and management guidance,” “oversee[ing] the implementation of policy options,” and working with agencies through the year as they shift money to implement new legislation or Administration policy.³ Additionally, in the aftermath of major disasters, OMB plays an integral role in the analysis of needs, and formulation of disaster supplemental appropriations requests to Congress and any related policies.

Nearly ten months ago, Hurricanes Irma and Maria slammed into Puerto Rico, leaving behind a devastating trail of destruction. A recently released study published in the *New England Journal of Medicine* confirmed our worst fears and laid bare the extraordinary failure of the Administration's response. The study found that there were between 793 and 8,498 fatalities from the storm and its immediate aftermath,⁴ with 4,645 “excess deaths” being the midpoint of the study's 95 percent confidence interval. Mortality data subsequently released by the Puerto Rico government shows an increase of more than 1,400 deaths after Hurricane Maria.⁵ These findings are made only worse by the appalling conditions facing those that survived the storm.

¹ The White House, “President Donald J. Trump Announces Intent to Nominate and Appoint Personnel to Key Administration Posts,” June 18, 2018, <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=36f51861c6cb4fbba94b822820209243&index=0>.

⁴ Nishant Kishore et al., *Mortality in Puerto Rico after Hurricane Maria*, *The New England Journal of Medicine*, May 29, 2018, <https://www.nejm.org/doi/full/10.1056/NEJMsa1803972>.

⁵ Arelis R. Hernández, *New Puerto Rico data shows deaths increased by 1,400 after Hurricane Maria*, *WASH. POST*, June 1, 2018, https://www.washingtonpost.com/national/new-puerto-rico-data-shows-deaths-increased-by-1400-after-hurricane-maria/2018/06/01/43bb4278-65e2-11e8-99d2-0d678ec08c2f_story.html.

Hurricane Maria caused the largest blackout in American history, and the second largest blackout in the world.⁶ As late as April 12, 2018, nearly 100,000 Puerto Ricans were without power,⁷ and today, more than 2,300 Puerto Rico Electric Power Authority (PREPA) customers, including households, multifamily residential properties, and businesses, remain without access to power.⁸ In February 2018, Puerto Rico's Housing Secretary, Fernando Gil, estimated that 250,000 homes sustained major damage, including 70,000 which were destroyed.⁹ Hundreds of thousands of Puerto Ricans were displaced from their homes and forced to confront the reality of a prolonged period without access to power or clean water. Many had no choice but to leave behind their homes and communities, and locate shelter elsewhere. In the first six months after the storm, 135,000 Puerto Ricans left Puerto Rico for the mainland.¹⁰ Moreover, the storm caused \$90 billion in damage, making it the third costliest storm on record in the U.S. since 1900 and the costliest hurricane to strike Puerto Rico and the Virgin Islands.

The Trump Administration's botched and incompetent response to this tragedy of historic proportions served only to exacerbate the excruciating circumstances facing the people of Puerto Rico. Moreover, an examination of the Administration's response to other recent disasters suggests members of this Administration undertook a deliberate recalibration of disaster relief efforts when faced with Hurricane Maria. For example, just six days after Hurricane Harvey hit Houston, U.S. Northern Command had deployed 73 helicopters over Houston to deliver emergency aid and to save storm victims.¹¹ In Puerto Rico on the other hand, it took nearly a month after the storm before the same number of helicopters were available to assist.¹² Similarly, in the nine days after both Hurricanes Harvey and Maria, the Federal Emergency Management Administration (FEMA) provided approval for \$141.8 million in individual assistance to survivors of Harvey, but only \$6.2 million for survivors of Maria.¹³ In those same critical nine days following the storms, FEMA deployed 30,000 personnel in Houston, but only 10,000 in Puerto Rico.¹⁴ And while FEMA only needed ten days to approve permanent disaster work in Texas, it took the agency 43 days to do so in Puerto Rico.¹⁵

Perhaps most disturbing, the Administration saw in Puerto Rico a political opportunity to exert its ideological will on suffering American citizens. Instead of immediately deploying aid to make permanent repairs on the island, the Administration reportedly pressured Puerto Governor Ricardo Rosselló to agree to an experimental funding formula that would leave Puerto

⁶ Trevor Houser and Peters Marsters, *The World's Second Largest Blackout*, Rhodium Group, April 12, 2018, <https://rhg.com/research/puerto-rico-hurricane-maria-worlds-second-largest-blackout/>.

⁷ *Id.*

⁸ Danico Coto, *Puerto Rico faces austerity measures amid budget wrangling*, Associated Press, June 29, 2018, <https://apnews.com/0ad6c5ab85f740f187b8acb6c26ed084>.

⁹ Andres Viglucci, *Half of Puerto Rico's housing was built illegally. Then came Hurricane Maria.*, MIAMI HERALD, February 14, 2018, <https://www.miamiherald.com/news/nation-world/world/americas/article199948699.html>.

¹⁰ National Public Radio, "Puerto Rico Exodus Bound to Shake Up Mainland Policy," June 3, 2018, <https://www.npr.org/2018/06/03/616661124/puerto-rico-exodus-bound-to-shake-up-mainland-policy>.

¹¹ Danny Vink, *How Trump favored Texas over Puerto Rico*, Politico, March 27, 2018, <https://www.politico.com/story/2018/03/27/donald-trump-fema-hurricane-maria-response-480557>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

Rico on the hook for cost overages of any projects.¹⁶ No such requirement exists for Texas or Florida. Furthermore, in the first disaster supplemental appropriations bill to pass Congress after Hurricane Maria, the majority of Puerto Rico's aid came in the form of a loan with unprecedented terms not applicable to Texas or Florida.¹⁷ While disaster loans are normally forgiven according to a standard formula in the Stafford Act,¹⁸ forgiveness of Puerto Rico's loan will be provided at the sole discretion of the Secretaries of Treasury and Homeland Security,¹⁹ who have indicated that they do not intend to allow forgiveness.²⁰ If that was not bad enough, the Treasury Department unjustifiably withheld delivery of the loan dollars for five months.²¹ The seemingly endless list of inequities in the Administration's response to Hurricane Maria cannot be explained away by Puerto Rico's geography, the volume of storms during the 2017 hurricane season, or the island's leadership and government. The American public, including the 3.5 million American citizens living in Puerto Rico, deserve to know why this Administration chose a path of deliberate indifference to the plight of Hurricane Maria survivors.

You have served as a top White House budget official with oversight of DHS, Treasury, and HUD, as those three agencies developed and implemented the Administration's disaster response in Puerto Rico. In that role, you may have been involved in providing "policy and management guidance" on the Administration's disaster response in Puerto Rico, and worked with DHS, Treasury, and HUD officials to craft disaster supplemental appropriations requests regarding the provision of relief to Hurricane Maria survivors.

Therefore, we ask that you provide:

(1) A complete description of any role you may have played in OMB disaster supplemental appropriations requests to Congress, budgetary or policy decisions, analyses, or recommendations related to the Trump Administration's response to Hurricane Maria. Please include a list of all meetings you attended (in person or by telephone or other electronic means) related to these disaster supplemental appropriations requests to Congress, budgetary or policy decisions, analyses, or recommendations, the topics discussed in these meetings, and a list of all other attendees of those meetings. Such documents should cover, but not be limited to, any meetings, communications, or deliberations related to the following requests and appropriations:

- October 4, 2017 requested supplemental;²²
- Public Law Number 115-72;

¹⁶ *Id.*

¹⁷ PUB. L. NO. 115-72.

¹⁸ 18 U.S.C. § 5184.

¹⁹ PUB. L. NO. 115-72.

²⁰ Letter from Treasury Assistant Secretary for Legislative Affairs Drew Maloney to José E. Serrano et al., March 15, 2018.

²¹ Danny Vink, *How Trump favored Texas over Puerto Rico*, Politico, March 27, 2018, <https://www.politico.com/story/2018/03/27/donald-trump-fema-hurricane-maria-response-480557>.

²² Letter from Office of Management and Budget Director Mick Mulvaney to Vice President Michael Pence et al., October 4, 2017, https://www.whitehouse.gov/wp-content/uploads/2017/11/letter_regarding_additional_funding_and_reforms_to_address_impacts_of_recent_natural_disasters.pdf.

- November 17, 2017 requested supplemental;²³ and
 - Public Law Number 115-123.
- (2) All emails and other documents related to your communications with DHS officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
 - (3) All emails and other documents related to your communications with Treasury officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
 - (4) All emails and other documents related to your communications with HUD officials related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
 - (5) All emails and other documents related to your communications with Puerto Rico government officials, employees, and consultants, related to the development of disaster supplemental appropriations requests to Congress and implementation of enacted appropriations.
 - (6) Any final or draft OMB analyses, recommendations, or budgetary or policy decisions in which you were involved related to the Administration's response to Hurricane Maria, and any emails, or other communications related to these final or draft recommendations, disaster supplemental appropriations requests, or other budgetary or policy decisions.
 - (7) All emails or other documents relating to your involvement with the Trump Administration's response to Hurricane Maria, including but not limited to: negotiations or discussions with Puerto Rico government officials, employees, and consultants regarding the intent, design, statutory language, and implementation of the community disaster loan in the Public Law Number 115-72; and negotiations or discussions with Puerto Rico government officials, employees, and consultants regarding the procedures related to Section 428 of the Stafford Act.
 - (8) All emails or other documents relating to your involvement with the Trump Administration's response to Hurricane Maria, including but not limited to: negotiations or discussions with other Trump Administration, DHS, Treasury, and HUD officials regarding the intent, design, statutory language, and implementation of the community disaster loan in the Public Law Number 115-72; and negotiations or discussions with other Trump Administration, DHS, Treasury, and HUD officials regarding the procedures related to Section 428 of the Stafford Act.

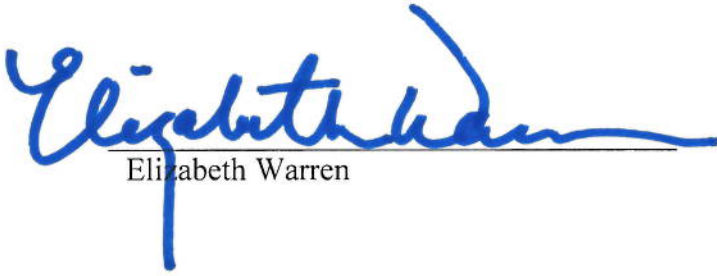
Please provide all requested materials by July 16, 2018.

²³ Letter from Office of Management and Budget Director Mick Mulvaney to Speaker Paul Ryan et al., November 17, 2017, https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/Letters/fy_2018_hurricanes_supp_111717.pdf.

Sincerely,


Robert Menendez


Sherrod Brown


Elizabeth Warren


Catherine Cortez Masto