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June 21, 2018

Tom Donohue
President and CEO
US. Chamber of Commerce
1615 H Street NW
Washington, DC 20062

Dear Mr. Donohue:

I write regarding the U.S. Chamber of Commerce's support of Kathy Kraninger to lead the Consumer Financial Protection Bureau.

Earlier this week, you published a piece expressing your horror at the Trump Administration's policy that has separated thousands of children from their parents. You wrote:

> Thousands of children are being forcibly removed from their parents by our government. There is no other way to say it, this is not who we are and it must end now.
>
> ...
>
> It is not just that America is a nation of immigrants – it is that since our founding we have embraced certain core values. One of those values is that children should not be punished for the crimes of their parents. Yet, today, government policy is running in direct contradiction to that value.
>
> The recent policy change requiring the immediate detention and misdemeanor prosecution of anyone crossing the border illegally – so-called zero tolerance – has already resulted in the forcible separation of nearly 2,000 children from their parents. Facilities to house these children are so overcrowded that the administration has built a "tent city" to house additional minors.
>
> Parents are being told if they plead guilty and drop any claim of asylum they can be reunited more quickly with their children. The administration adopted this policy as a way of deterring illegal entry into the U.S. Some administration officials reportedly view the policy of separating children from their parents as leverage to gain other immigration policy changes from Congress.

> Let that sink in for a second: our government is forcibly separating children – including toddlers – from their parents and sending them to detention facilities as a means of sending a message and influencing Congress.
>
> Surely a nation as big, generous, and compassionate as the United States can find a way to prevent separating children from their parents at the border. If we can't agree on that, then we can't agree on anything.[1]

I share your horror at these child separations. But it is hard to take your condemnation of this policy seriously when – at almost the exact same time – your organization threw its support behind Ms. Kraninger, who likely played a role in developing and implementing that policy.[2]

Since March 2017, Ms. Kraninger has served as the Program Associate Director for General Government Programs at the Office of Management and Budget (OMB).[3] In that role, she has overseen the Department of Homeland Security (DHS) and the Department of Justice (DOJ)[4] – the two agencies most involved in crafting and carrying out the zero-tolerance policy. That oversight role involves 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.[5]

A former senior OMB official said it "would be shocking if [Ms. Kraninger] was not knowledgeable about [the zero-tolerance policy], if not intimately involved in the policy."[6] A former DHS official echoed that view, stating that it "would be likely that someone who covers DHS and DOJ [at OMB] would be working on the design and implementation of a policy like [the zero-tolerance policy]."[7]

I am baffled how the Chamber can denounce the appalling child separation policy and simultaneously support a nominee who was likely involved in developing and implementing that policy. I therefore ask that you answer the following questions:

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[1] Tom Donohue, U.S. Chamber of Commerce, "Separating Children from Families Must End Now," June 19, 2018, https://www.uschamber.com/series/above-the-fold/separating-children-families-must-end-now.

[2] Politico, "White House not worried about CFPB hold," Ben White and Aubree Eliza Weaver, June 20, 2018, https://www.politico.com/newsletters/morning-money/2018/06/20/white-house-not-worried-about-cfpb-hold-259370 (stating that David Hirschmann, president and CEO of the U.S. Chamber's Center for Capital Markets Competitiveness, supports the nomination of Kathy Kraninger to lead the Consumer Financial Protection Bureau because she is "a steady and capable hand to oversee the Bureau through its next phase.").

[3] 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/

[4] *Id.*

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

[6] Politico, "Warren announces hold on Trump's CFPB nomination, citing border policy," Katy O'Donnell, June 19, 2018, https://www.politico.com/story/2018/06/19/elizabeth-Warren-cfpb-nomination-654085.

[7] American Banker. "CFPB nominee likely connected to Trump's 'zero-tolerance' immigration policy," Kate Berry, June 19, 2018, https://www.americanbanker.com/news/cfpb-nominee-likely-connected-to-trumps-zero-tolerance-immigration-policy?feed=00000152-a2fb-d118-ab57-b3ff6e310000.

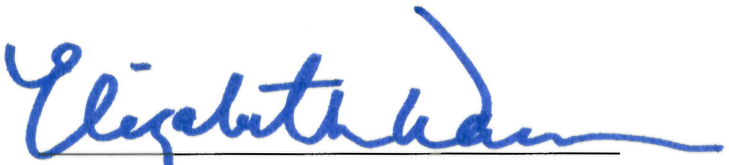
1. Is it your understanding that Ms. Kraninger had no involvement in developing or implementing the policies that have resulted in the Administration separating thousands of children from their parents? If so, what evidence do you have to support that understanding?

2. If you are unsure of Mr. Kraninger's role in developing or implementing the decisions that have led the Administration to separate thousands of children from their parents, do you think Ms. Kraninger should promptly and publicly release all documents relevant to her role in this policy?

3. Will you withdraw your organization's support of Ms. Kraninger immediately and withhold that support unless and until she produces all relevant documents and demonstrates that she has had no involvement in the Trump Administration's separation of thousands of children from their families?

I look forward to your prompt response to this letter. Surely we can agree that a person who was involved in a policy you have described as "not who we are" should not receive a major promotion to lead a federal agency.

Sincerely,



Elizabeth Warren
Ranking Member
Senate Subcommittee on Financial Institutions and Consumer Protection