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

June 7, 2019

The Honorable Kevin K. McAleenan
Acting Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Acting Secretary McAleenan:

I write to reiterate my opposition to a proposed rule by the Department of Homeland Security (DHS or Department), "Inadmissibility on Public Charge Grounds," published on October 10, 2019.

The Administration's proposed rule would drastically alter the determination of whether an individual is, or is likely to become, a "public charge." For over a hundred years, a public charge determination has consistently excluded the use of non-cash benefits such as primary healthcare, nutrition, and housing assistance. Recognizing the critical nature of this support which allows individuals and families to remain productive in our communities, Congress has explicitly, and repeatedly, refused to add the use of these supplemental benefits into a public charge determination.

The rule proposed by the Trump Administration would not only reverse these judgments, it would impose harsh new thresholds that would penalize individuals for just a temporary and short-term use of supplemental assistance for which they are eligible. The Administration specifically finds the rule could lead to worse health outcomes, increased use of emergency rooms as primary healthcare, increased prevalence of communicable diseases, increased uncompensated care, increased rates of poverty and housing instability, and reduced productivity and educational attainment.¹ Proposing these changes with full knowledge of these harsh costs not only displays a willingness to hurt people and families, but a readiness to reduce the productivity of our nation.

With one in four children in the U.S. having at least one immigrant parent, this issue touches 19 million children, 86 percent of whom are U.S. citizens.² This proposal not only risks the growth, development, and attainment of our children, it weakens our future as a nation.

¹ Inadmissibility on Public Charge Grounds, 83 Fed. Reg. 51114-01 (Oct. 10, 2018).

² Kaiser Family Foundation, "Proposed Changes to "Public Charge" Policies for Immigrants: Implications for Health Coverage," 24 September 2018. Available at: <https://www.kff.org/disparities-policy/fact-sheet/proposed-changes-to-public-charge-policies-for-immigrants-implications-for-health-coverage/>

The proposed changes drew over 200,000 comments during the public comment period in late 2018. Opposition came from physicians, major health plans and hospitals, mayors, state representatives, education and public health advocates, and concerned individuals. Well over 100 Members of the U.S. House of Representatives and 26 Senators also opposed the proposed rule.

America's strength depends on everyone, including immigrants and their children. I urge you to abandon this dangerous and punitive proposal.

Sincerely,

A handwritten signature in blue ink that reads "Bennie G. Thompson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Bennie G. Thompson
Chairman



U.S. Citizenship
and Immigration
Services

July 23, 2019

The Honorable Bennie G. Thompson
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Thompson:

Thank you for your June 7, 2019 letter. Acting Secretary McAleenan asked that I respond on his behalf.

Although I welcome input from you and other members of Congress at any time regarding the work of U.S. Citizenship Immigration Services (USCIS), I am required to note that the notice and comment period for the proposed rule referenced in your letter ended on December 10, 2018, and therefore the U.S. Department of Homeland Security (DHS) is not accepting additional, formal comments on the proposed rule. During the 60-day comment period (between October 10, 2018 to December 10, 2018), DHS received 266,077 public comments.

After analyzing the concerns received, DHS submitted the rule for OMB review on July 12, 2019. DHS anticipates publication after completion of OMB's review. I am not in a position to comment on the substantive aspects of this rule given that the deliberative stage of the rulemaking process is ongoing.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink that reads "Ken Cuccinelli II". The signature is stylized with a large "K" and "C", and the name "Cuccinelli II" is written in a cursive script.

Ken Cuccinelli II
Acting Director