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United States Senate

SUITE SR-B33
RUSSELL BUILDING
WASHINGTON, DC 20510
125 S. STATE STREET
#8402
SALT LAKE CITY, UT 84138

December 10, 2019

The Honorable Chad Wolf
Acting Secretary
Department of Homeland Security
Washington, DC 20528

The Honorable Kenneth T. Cuccinelli
Acting Director
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW
Washington, DC 20529

Dear Acting Secretary Wolf and Acting Director Cuccinelli:

I am concerned about the Department's November 14, 2019 proposed rule to raise fees significantly for the Genealogy Program administered by U.S. Citizenship and Immigration Services.

The Genealogy Program is essential for genealogists, family historians, and other researchers who acquire citizenship and alien records of deceased immigrants who arrived in the United States between the late 19th and mid-20th centuries. These records allow Americans to trace their roots for a better understanding of who they are, and where they came from.

Any increase in the Genealogy Program's two separate user fees should be done after careful consideration that it would not unduly burden those who rely on the records. The Genealogy Index Search Request (search fee) is used to determine whether USCIS possesses any records on the requested immigrant and, if such records exist, to capture the identifier of each record. The second fee is the Genealogy Records Request (records fee), which is used to obtain copies of USCIS's historical records.

When the Genealogy Program began in 2008, its initial fees ranged from just \$20 to \$35. In 2016, USCIS raised both fees to \$65. DHS's proposed rule would raise the search fee 269% from \$65 to \$240, and the records fee 492% from \$65 to \$385. If this rule takes effect, a family historian would need to pay \$625 to search and obtain a single file on a relative.

I understand USCIS's budget relies primarily on user fees, and the southern border crisis continues to strain the agency's ability to fulfill its mission. However, we I am concerned that drastically raising the Genealogy Program's fees would harm genealogists across the United States without addressing your budgetary concerns. While interest has grown over the last few years, genealogy research remains primarily a hobby sensitive to financial constraints. In fact, after raising fees to \$65 in 2016, total requests fell by nearly 30%. The proposed rule's prohibitive fees could make it nearly impossible for an average person to access the Genealogy Program, leading to fewer requests and ultimately mitigating the proposed rule's intention to fund the USCIS.

With these concerns in mind, I am requesting answers to the following by no later than December 18, 2019:

1. What is the annual amount of user fees collected by the Genealogy Program from 2015-2018?
2. Please provide the budgets for the Genealogy Program from 2015-2019.
3. Please identify any changes to the Genealogy Program's expenses since 2015 and, explanations for why those expenses changed.
4. Are fees collected by the Genealogy Program used to support USCIS functions other than expenditures for the Genealogy Program?

Thank you for your attention to this matter

Sincerely,



Mitt Romney
United States Senator

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of Legislative and Intergovernmental Affairs
(MS 2150)
Washington, D.C. 20529



U.S. Citizenship
and Immigration
Services

February 4, 2020

The Honorable Mitt Romney
United States Senate
Washington, DC 20510

Dear Senator Romney:

Thank you for your December 10, 2019 letter regarding U.S. Citizenship and Immigration Services' (USCIS) proposed fee schedule for the Genealogy Program. Your letter will be added to the rulemaking docket as a public comment and will be carefully considered.

Enclosed you will find responses to the specific questions in your letter regarding the Genealogy Program.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Andrew V. Bonic".

Andrew V. Bonic
Acting Chief
Office of Legislative and Intergovernmental Affairs

Enclosure

**The Department of Homeland Security's Response to
Senator Romney's December 10, 2019 Letter**

1. What is the annual amount of user fees collected by the Genealogy Program from 2015-2018?

U.S. Citizenship and Immigration Services (USCIS) Genealogy Program Collections
fiscal year (FY) 2015-2018

Form Name	FY 2015	FY 2016	FY 2017	FY 2018
G-1041, Genealogy Index Search Request	\$95,064	\$105,491	\$184,774	\$245,750
G-1041A, Genealogy Records Request	\$59,575	\$65,030	\$138,965	\$193,225
TOTAL	\$154,639	\$170,521	\$323,739	\$438,975

2. Please provide the budgets for the Genealogy Program from 2015-2019.

USCIS does not maintain a discrete budget for the Genealogy Program. In FY 2017, the Genealogy Program moved to the National Records Center (NRC). Genealogy staff currently represent approximately 2.27 percent of total USCIS staff at the NRC. The NRC's annual operating budget for FY 2017-2019 and the Genealogy Program's proportional share based on current staffing are shown in the table below. USCIS is unable to derive comparable FY 2015-2016 program cost estimates from an annual operating budget for comparison to the Genealogy Program's proportional share in FY 2017-2019.

Fiscal Year	FY 2017	FY 2018	FY 2019
NRC Annual Operating Budget	\$ 82,435,854	\$ 74,808,677	\$ 79,857,825
Genealogy Program Share (at 2.27% of total)	\$ 1,871,294	\$ 1,698,157	\$ 1,812,773

3. Please identify any changes to the Genealogy Program's expenses since 2015 and, explanations for why those expenses changed.

As mentioned in the response to # 2, USCIS does not maintain a discrete budget for the Genealogy Program and therefore does not track expenditure changes to it. The transfer of the Genealogy Program to the NRC in FY 2017 enables USCIS to estimate program costs as a proportion of total NRC expenses and better assess the operational process changes described in Section N, Changes to Genealogy Search and Records Requests, of USCIS' proposed fee rule. There have not been any substantial program cost changes from FY 2017-2019 (as shown in the table in response # 2). However, when comparing the Genealogy Program's total revenue collections (as shown in the table in response # 1) to its total estimated costs, it is clear that the program does not currently recover the full cost of its operations.

4. Are fees collected by the Genealogy Program used to support USCIS functions other than expenditures for the Genealogy Program?

No. Given that the program's historical costs have exceeded revenue collections, genealogy fees are not used to support other USCIS functions. The proposed fees in USCIS' proposed fee rule are calculated to recover the estimated costs of the Genealogy Program and are not designed to fund any other program or activity.