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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

August 18, 2020

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

Joseph Edlow
Deputy Director for Policy
U.S Citizen and Immigration Services
20 Massachusetts Avenue NW
Washington, DC 20001

Dear Acting Secretary Wolf and Deputy Director Edlow:

I write to you today to request a further delay of the unnecessary furloughs that over 13,000 staff at United States Citizenship and Immigration Services (USCIS) face on August 30, 2020. I appreciate the decision to delay furloughs from August 3, 2020, to August 30 in response to my previous request. However, I am troubled by the fact that USCIS is still proceeding with furloughs for this fiscal year despite the fact that the agency is consistently projecting to end the fiscal year with a sizeable carryover balance. The resulting carryover balance exists even after you factor in paying staff through the fiscal year.

To put it more plainly, USCIS could pay all of its staff through the end of the fiscal year, avoid furloughs entirely, and still end the fiscal year with a sizeable carryover balance.

I have previously given you both private and public assurances that I am dedicated to resolving the financial crisis the agency faces in the next fiscal year. To be clear, with regard to the projected deficit for FY 2021, I am committed to addressing this issue before October 1. Further, I am not alone in that commitment. Members of both parties and both chambers have publicly expressed support for USCIS. In other words, USCIS has the resources necessary to avoid furloughs entirely and members of Congress have publicly committed to resolving the agency's fiscal situation.

The furlough of 13,000 employees will obviously leave an untold impact on these employees and their families, but the furloughs are likely to have other unintended consequences as well. For instance, without a functioning legal immigration system, our economy is likely to be impacted as critical future employees or employers will be unable to complete their immigration process. Additionally, some families have waited nearly 24 years to lawfully immigrate to the United States. The decision to shut down the legal immigration system by furloughing these employees

will harm our economy, have adverse impacts on trade, encourage unlawful immigration, and is patently unfair to our federal workforce and to individuals who have waited so long to be reunited with their families.

The prudent and humane thing to do is to delay furloughs through the fiscal year. It is unconscionable to leave over 13,000 federal employees in a constant state of crisis, with a lack of certainty about how they and their families will make ends meet during this pandemic. These employees are our neighbors, friends, citizens, and families, and they do critical work on behalf of our government. Further, the United States remains locked in a perpetual cycle of distress and fear due to the ongoing pandemic. While I appreciate your August 17, 2020 response to my letter, unnecessary furloughs of this size will only worsen the current economic crisis and create avoidable hardship for federal employees. There is simply no just reason to furlough these employees, throwing them into severe financial distress, when you could pay them.

I hope you immediately reconsider. I urge you to take action today.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Leahy". The signature is written in a cursive, flowing style.

Patrick Leahy
Vice Chairman



U.S. Citizenship
and Immigration
Services

September 11, 2020

The Honorable Patrick Leahy
Vice Chairman
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Vice Chairman Leahy:

Thank you for your August 18, 2020 letter requesting to delay the furloughs of 13,000 staff at U.S. Citizenship and Immigration Services (USCIS). Acting Secretary Wolf asked that I respond on his behalf.

As you are aware, USCIS has cancelled the administrative furlough that was scheduled to begin on August 30, 2020. We made this decision based on aggressive and unprecedented spending cuts, our most recent financial projections, and in consultation with the U.S. Department of Homeland Security's and my financial staffs.

In addition to the spending cuts already recognized, we have begun taking further proactive measures to sustain our federal workforce until Congress acts. The depth of these cuts is something members of Congress asked us to avoid in the spring, with assurances of providing financial support before their August recess. As such action did not occur, these cost cutting measures will have an impact on agency operations and will result in: descoping of contracts and a reduction in the number of contractors who assist our federal workforce; restructuring contracts via bilateral modifications to breakup periods of performance into smaller increments; and continually evaluating operational requirements to potentially right-size contracts at a future date based on our financial position.

While it is true that our financial situation has somewhat improved due to the increase in revenue and receipts from their historic decline in March and April due to the COVID-19 pandemic, annual receipts and revenue are still below fiscal year (FY) 2020 projections. Without further congressional action, we will be forced to continue taking aggressive cost-reducing actions that will result in additional significant operational adjustments. We anticipate that wait times for pending case inquiries through the USCIS Contact Center will increase, case processing times will increase, and although we will continue conducting naturalization ceremonies, individuals may experience increased wait times in the adjudication of their

The Honorable Patrick Leahy

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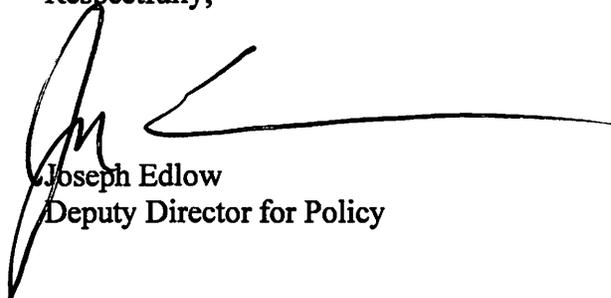
naturalization applications as there will be fewer contractors to assist our adjudicators in preparing case files for adjudication.

Although we are currently forecasted to end FY 2020 with a carryover balance of non-premium funding in the Immigration Examinations Fee Account to cancel the current administrative furlough, USCIS and our employees are urgently depending on Congress to act—during this budget cycle—on a long-term fix that would provide the necessary financial assistance so that we can maintain financial stability throughout FY 2021. Without such action, a future administrative furlough scenario is still possible.

This continues to be a difficult and uncertain time for our workforce. I remain committed to continuing to work with Congress to obtain the long-term assistance needed to avoid any administrative furlough of USCIS employees in the future.

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

Respectfully,

A handwritten signature in black ink, appearing to be 'J. Edlow', with a long horizontal line extending to the right.

Joseph Edlow
Deputy Director for Policy