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Via Email

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**Re: Notice of Information Collection Under OMB Emergency Review:
Immigrant Health Insurance Coverage**

On behalf of Americans for Prosperity¹ and The LIBRE Initiative,² I write in response to the State Department's proposed information-collection request regarding immigrant health insurance coverage.³ As currently written, the proposal creates unanswered questions and relies on ambiguous standards that will cause confusion in consular offices and potentially disrupt the immigration system. The State Department's request for emergency review should be rejected and the proposal should go through the normal notice-and-comment process.

I. OMB Should Reject the State Department's Request for Emergency Review

The President published Proclamation No. 9945 ("PP 9945"), on October 4, 2019, but this cursory notice from the State Department came seventeen business days later with an inexplicable one-day deadline for public comments.⁴ If the State Department had a legitimate justification for using emergency procedures, this argument is undercut by its decision to take seventeen business days to publish its notice. The public comment period should not be curtailed due to the lack of urgency on the part of the government to prepare a routine notice seeking public comment. The notice provides no justification for the delay or lack of a robust public comment period, and the

¹ See AMERICANS FOR PROSPERITY *About*, www.americansforprosperity.org/about.

² See THE LIBRE INITIATIVE *About*, <https://thelibreinitiative.com/about-us/>.

³ State Department, Notice of Information Collection Under OMB Emergency Review: Immigrant Health Insurance Coverage, 84 Fed. Reg. 58,199 (Oct. 30, 2019).

⁴ Proclamation No. 9945, 84 Fed. Reg. 53,991 (Oct. 4, 2019).

Office of Management and Budget (“OMB”) should not approve the request for emergency review. Further, the State Department should publicly disclose the reasons, if any, that it gave to OMB to justify its request for emergency review.

II. The State Department Should Postpone the Implementation of Information Collection Until It Clarifies Requirements and Goes Through a Normal PRA Clearance Process

Even if OMB approves the State Department’s request for emergency review, the State Department should delay implementation until it clarifies the numerous issues with the current methodology and completes the normal Paperwork Reduction Act (“PRA”) clearance process with public comments. Implementing this rule as currently written would harm immigrants, American citizens, and permanent residents. As the State Department estimates, this proposal could affect more than 450,000 immigrants, many of whom are likely related to U.S. citizens and immediate family members of lawful permanent residents. Implementation of the proposal should be postponed until it completes the normal PRA process.

We stand ready to work with anyone to improve our immigration system and ensure it is focused on promoting opportunities for individuals to participate fully and contribute to our great nation. If you have any questions about this comment, please contact me by e-mail at Kevin.Schmidt@causeofaction.org. Thank you for your attention to this matter.

Kevin Schmidt

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