EXPLANATORY STATEMENT FOR THE HOMELAND SECURITY APPROPRIATIONS BILL, 2023

OVERVIEW AND SUMMARY OF THE BILL

Fiscal year 2023 represents the 20th annual appropriations cycle for the Department of Homeland Security. The Department continues to mature and prove its value to our Nation during periods of calm and adversity, and the Committee applauds the Department for maintaining our overall national security posture, especially in light of developing challenges and threats, without forsaking the mission to safeguard the American people and that of our homeland.

The Committee acknowledges the success in executing the Department's substantial missions is primarily due to the dedication of Department personnel and the Committee is grateful to the thousands of personnel across the Department for their dedication to public service and recognizes the contributions and sacrifices of their families.

The last 19 years have seen significant growth and change for the Department. A Department of 160,000 people in 2003, now stands at over 250,000 today. Early vulnerabilities and security risks with air travel and cargo screening have been targeted and minimized, but new ones continue to emerge. Every day, our adversaries find new ways to challenge the security of our Nation, from widespread disinformation campaigns, to the unprecedented growth in cyber-attacks, requiring the Department to remain agile and alert. During this time we have seen the Department respond with innovative technologies developed and incorporated into operations and services, such as fundamentally changing the speed at which travelers and goods enter our country and narcotics and other illicit items are identified and seized and the Department is commended for these targeted and innovative responses.

As the Department begins its 20th year, the Committee continues to emphasize initiatives to connect and integrate programs across the homeland security enterprise in order to meaningfully quantify the value of new investments in improving operational capabilities and achieving performance improvements. This type of work must become common practice and not isolated exceptions. The Committee strongly encourages the Department to identify how investments in one component may impact resource needs at another, to ensure those investments are maximized and we are not diminishing the value of those investments by unnecessarily creating bottlenecks or imbalances in Department capabilities. It is essential that the Department is able to make data-driven decisions on how billions of taxpayer dollars are spent each year.

It is paramount that the Department ensures future requests for investments are informed by workload analyses and other models

Fee Study.—When USCIS undertakes its next biennial fee study, the Committee strongly urges the agency to apply advanced analytics and modeling capabilities to improve the accuracy and transparency of the way in which the agency determines potential fee changes. Additionally, USCIS shall conduct and incorporate into the fee study appropriate analyses that quantifies the impact of investments to modernize and transform business processes and IT on its operations. Further, USCIS shall assess the impact of appropriations for E–Verify and the resulting capabilities from that investment in the fee study. Within 60 days of the date of enactment of this act, USCIS shall provide a briefing to the Committee on the steps the agency is taking to leverage analytic capabilities to better inform workload and fee projections.

Fee Waivers and Application and Petition Costs.—The Committee was discouraged by previous efforts to impede immigration benefit requests by eliminating fee waivers, creating insurmountable paperwork barriers and unnecessary eligibility hurdles to obtain fee waivers. The Committee encourages USCIS to continue the use of fee waivers for applicants as provided for in Federal law, through regulation, or other relevant stipulations or agreements, for those applicants who demonstrate an inability to pay immigration benefit request fees, and to provide partial fee waivers to applicants as appropriate for those who can demonstrate earnings or income within various poverty guidelines. The application process should not be overly burdensome for those seeking citizenship and immigration benefit requests relating to naturalization. The Committee directs USCIS to maintain naturalization fees at an affordable level and to continue the use of full fee waivers for applicants who can demonstrate an inability to pay immigration and naturalization benefit application fees. The Committee directs USCIS to considering accepting any one of the following items as proof of inability to pay an immigration or naturalization benefit application fee for the purposes of qualifying for a full fee waiver: documentation of receipt of a means-tested public benefit; documentation of income that is at or below 200 percent of the Federal Poverty Guidelines at the time of filing; or documentation of financial hardship, based on extraordinary circumstances. To ensure that derivative and naturalized citizens can contribute to and participate fully in our economy and democracy, the Committee further directs USCIS to reduce the costs of obtaining replacement certificates of naturalization and certificates of citizenship. The Committee recognizes that immigration statutes, regulations, settlement agreements, and Administrative priorities require fee waivers and fee reductions for people seeking to adjust their status. However, this means that USCIS must absorb these costs. Therefore, not later than 60 days from enactment of this act and quarterly thereafter, USCIS shall provide to the Committee a brief on lost revenue as a result of fee waivers. This brief shall include historical data from the previous five fiscal years.

H–2B Visa Distribution.—The Committee is concerned that the current semiannual distribution of H–2B visas on April 1 and October 1 of each year unduly disadvantages certain employers and employees. The Committee directs the Department, in consultation with the Department of Labor, to examine the impacts of the cur-