July 24, 2019

The Honorable Mick Mulvaney, Director
Office of Management and Budget
725 17th St NW
Washington, DC 20503

The Honorable Richard Theroux, Acting Deputy Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th St NW
Washington, DC 20503

Shannon Joyce
Policy Analyst
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Director Mulvaney, Acting Deputy Administrator Theroux, and Ms. Joyce:

On behalf of the States of Washington, California, Delaware, Iowa, Illinois, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, the Commonwealths of Virginia, Pennsylvania, and Massachusetts, and the District of Columbia, and pursuant to Executive Order 12866, we respectfully request a meeting to discuss the public charge Notice of Proposed Rulemaking (RIN 1615-AA22) currently under your review. As the Attorneys General of states across the United States, we have significant concerns about the severe impact that this proposed rule would have on our states’ residents.

We will provide more detailed information in our meeting, which must be included in the administrative record for this rulemaking. We alert you now that the United States Department of Homeland Security (DHS) entirely failed to estimate the true costs of its proposed rules to our states. The proposed rules would cause extensive injury to our states’ economies and to millions of our states’ residents. These injuries include the loss of health insurance, access to medical care, and state food and cash benefits. If implemented as proposed, the rules will result in a reduction of total economic output, a drop in workers’ wages, and elimination of jobs in our states.
DHS’s draft Final Rule only arrived at the Office of Management and Budget (OMB) on July 12, 2019, less than two weeks ago. Further, the Final Rule continues to be listed as “pending review” on OMB’s website. We understand that OMB has granted Executive Order 12866 meeting requests recently to other interested parties, and such meetings are ongoing as we write. In these circumstances, as the senior legal officers for seventeen states, we hope and expect that our request for a meeting with you will be granted.

For these reasons and others, we request the opportunity to meet with you before the rules are finalized. Thank you for your attention to this important matter.

Sincerely,

BOB FERGUSON
Washington State Attorney General

cc: Xavier Becerra, California Attorney General by Brenda Ayon Verduzco, Deputy AG
Karl Racine, District of Columbia Attorney General by Valerie Nannery, AAG
Kathy Jennings, Delaware Attorney General by Ilona Kirshon, Deputy State Solicitor
Tom Miller, Iowa Attorney General by Nathan Blake, Deputy AG
Kwame Raoul, Illinois Attorney General by Stefanie Steines, AAG
Brian Frosh, Maryland Attorney General by Jeffrey Dunlap, Special AAG
Maura Healey, Massachusetts Attorney General by Abigail Taylor, Chief, Civil Rights Div.
Dana Nessel, Michigan Attorney General, by Eric Restuccia, Deputy Solicitor General
Keith Ellison, Minnesota Attorney General by Jacob Campion, AAG
Hector Balderas, New Mexico Attorney General by Jennie Lusk, AAG
Gurbir Grewal, New Jersey Attorney General by Glenn Moramarco, AAG
Aaron Ford, Nevada Attorney General, by Heidi Parry Stern, Solicitor General
Ellen Rosenblum, Oregon Attorney General by Henry Kantor, Special Counsel to AG
Peter Neronha, Rhode Island Attorney General by Kathryn M. Sabatini, AAG
Mark Herring, Virginia Attorney General by Michelle S. Kallen, Deputy Solicitor General
Josh Shapiro, Pennsylvania Attorney General by Aimee Thomson, Deputy AG