

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 08/06/2002 [H.R. 1209] [771376]

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;
002	Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;
003	Letter	[Views of the United States Department of State] - To: Mitchell E. Daniels, Jr. - From: Paul V. Kelly	2	08/02/2002	P5;
004	Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;
005	Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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Barcode Scanning Sheet



Collection Code: **SECLOG**

Staff Name:

Document Date:

Correspondent: **TIM SAUNDERS**

Subject/Description: **OVERSIZE ATTACHMENT # 9467 NARA # 9358 BOX 3
FOLDER 4C BILL FILES RECEIVED FROM THE OFFICE OF
THE EXECUTIVE CLERK - AUG 06 02 ENROLLED BILL
H.R. 1209 - CHILDS STATUS PROTECTION ACT**

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One Hundred Seventh Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall

THE WHITE HOUSE

H. R. 1209—4

“(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.”.

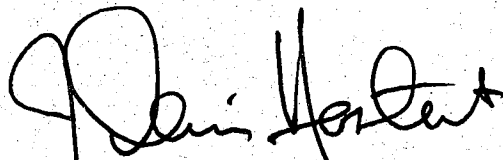
SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

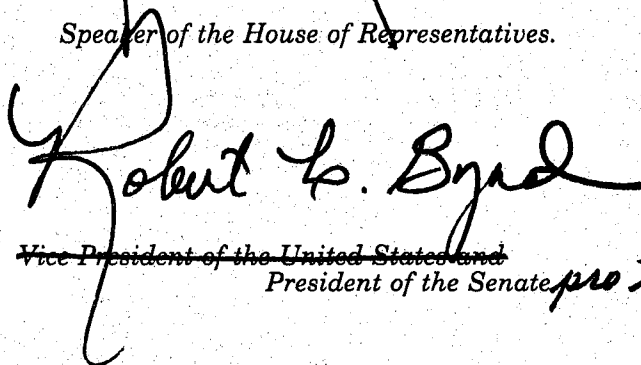
(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.



Speaker of the House of Representatives.

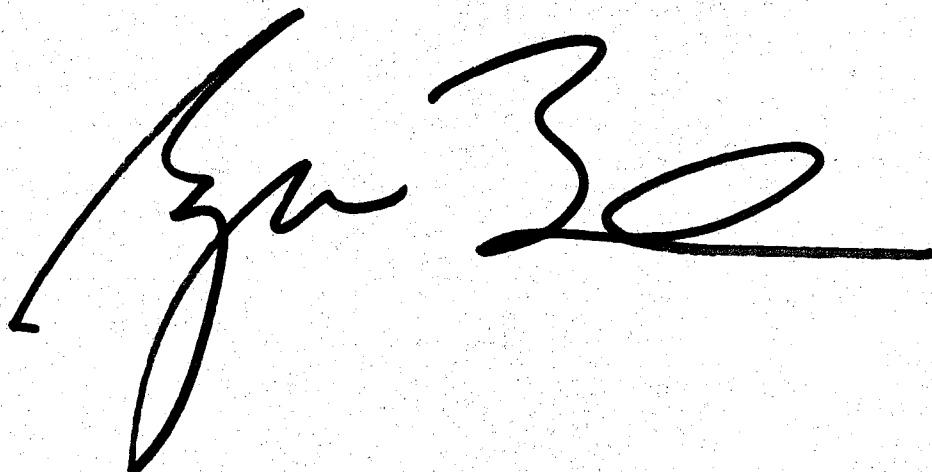


~~Vice President of the United States and~~

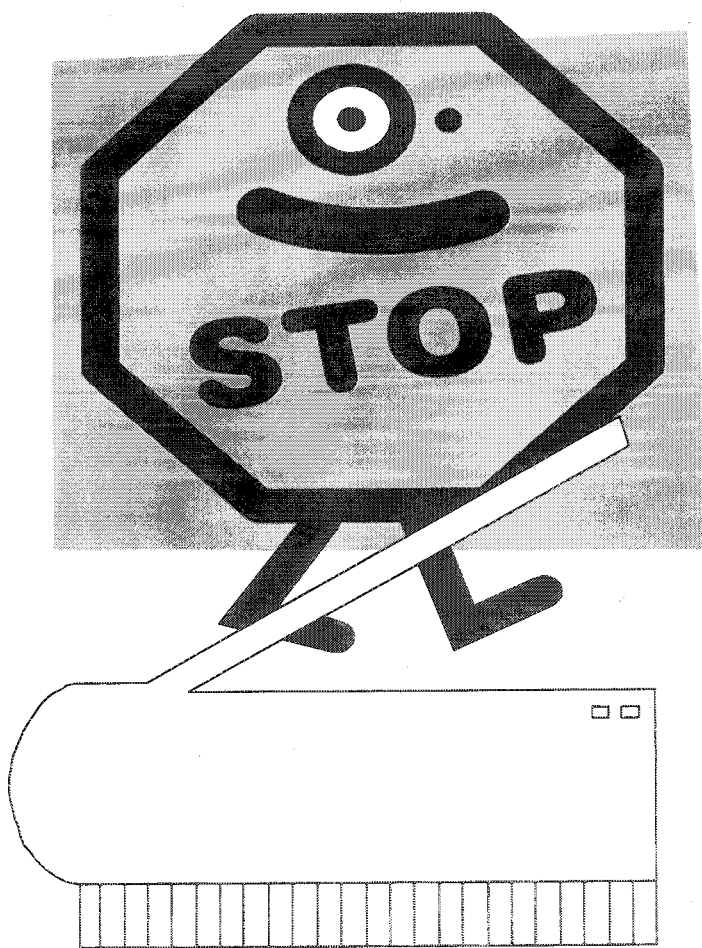
President of the Senate pro tempore.

APPROVED

AUG - 6 2002



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Scanning insert sheet



Remainder of case not scanned

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U. S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

July 30, 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, DC 20503

Dear Mr. Daniels:

This responds to your request for the views and recommendation of the Department of Justice on enrolled bill H.R. 1209, the "Child Status Protection Act." We have no objection to enactment of this enrolled bill and therefore recommend that the President approve it.

As a general matter, the purpose of the enrolled bill is to amend the Immigration and Nationality Act's (INA) provisions for determining whether an alien is considered a "child" and is therefore eligible for permanent residence in the United States as an immediate relative of a United States citizen. It does this principally by providing that an alien's status as a child is to be determined as of the date on which a petition to classify the alien as an immediate relative is filed, not, as under existing law, the date on which the petition is processed by the Immigration and Naturalization Service (INS). The legislation is intended to address the situation in which an alien under the age of 21 is the beneficiary of a petition for permanent residency as an immediate relative of a United States citizen but then "ages out" (i.e., turns 21 before the INS processes his or her petition), thus losing eligibility for permanent residency based upon status as an immediate relative.¹

Other provisions of the enrolled bill:

- o State that, with respect to an unmarried son or daughter seeking status as a family-sponsored, employment-based, or diversity "child" (unmarried, under 21 years old) immigrant: (1) such an alien's age will be determined using the age of the alien on the date on which an immigrant visa becomes available (provided that the alien applies for lawful permanent resident status within one year of such availability), reduced by the

¹In this situation, an alien who has "aged out" automatically shifts from the "immediate relative" category to the "family first preference" category. Although the alien retains his or her original priority date, aging-out results in a delay that may, depending upon visa availability for the alien's country of nationality, extend for a number of years.

number of days in which the petition was pending; and (2) if the alien's age is determined to be 21 years or older, the original (pre-21 years old) priority date shall be retained;

o Provide that a son or daughter who was unmarried and under 21 years old when the parent applied for asylee or refugee status shall retain such "child" classification for purposes of a derivative grant of status and for asylee adjustment of status, if the alien turns 21 during the pendency of the asylum or refugee application;

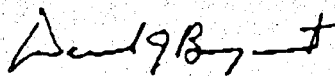
o Provide that the family-sponsored petition of an unmarried alien son or daughter whose permanent resident alien parent subsequently becomes a naturalized U.S. citizen shall be converted to a petition for an unmarried son or daughter of a U.S. citizen, unless the son or daughter elects otherwise, and that any petition priority date assigned prior to such naturalization may be maintained, regardless of whether or not the petition is converted;

o State that nothing in the enrolled bill shall be construed to limit or deny specified benefits for alien children provided by section 204 of the INA (relating to a preexisting age-out exception for certain victims of domestic violence); and

o Provide that the amendments made by the enrolled bill shall take effect upon enactment of the measure and shall apply to an alien beneficiary of: (1) an immigrant petition approved but not with a final determination of eligibility for an immigrant visa or adjustment of status prior to such date; (2) a petition pending on or after such date; or (3) an application pending before the Department of Justice or the Department of State on or after such date.

Thank you for the opportunity to comment on this matter. If we may be of additional assistance, we trust that you will not hesitate to call upon us.

Sincerely,



Daniel J. Bryant
Assistant Attorney General



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUL 26 2002

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Daniels:

This is in response to your request of July 23, 2002, for the views of the Department of Agriculture (USDA) on the enrolled bill H.R. 1209 entitled the "Child Status Protection Act."

USDA recommends that the President sign the enrolled bill.

H.R. 1209 would amend the Immigration and Nationality Act to, among other things, base the determination of whether an alien is a child, for purposes of classification as an immediate relative, on the age of the alien on the date the classification petition with respect to the alien is filed.

This change would provide for the continued classification of certain aliens as children in cases where the aliens "age-out" while awaiting immigration processing. This bill would assist the Immigration and Naturalization Service in its adjudication of immigration status classification petitions for minor children and, by preserving family unity, would result in greater fairness to the petitioners.

Thank you for the opportunity for USDA to comment on this bill.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ann Veneman", written over a horizontal line.

Ann M. Veneman
Secretary

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CHILD STATUS PROTECTION ACT OF 2001

APRIL 20, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1209]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1209) to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 1209 modifies the provisions of the Immigration and Nationality Act determining whether an alien is considered a child and eligible for permanent residence status as an immediate rel-

ative of a U.S. citizen, principally by providing that the alien's status as a child is determined as of the date on which the petition to classify the alien as an immediate relative is filed.

BACKGROUND AND NEED FOR THE LEGISLATION

The Immigration and Nationality Act provides two avenues for family-based immigrants to acquire permanent resident status. Immediate relatives (spouses, unmarried children under 21, and parents) of United States citizens may receive such status without numerical limitation. Certain other relatives of U.S. citizens (unmarried sons and daughters 21 or over, married sons and daughters, and siblings) and of permanent resident aliens (spouses, unmarried children under 21, unmarried sons and daughters 21 or over) may receive such status as family-based preference immigrants, which are subject to numerical limitations each year.

Since there are no numerical limitations on the number of immediate relatives who can receive permanent resident status, their cases should be acted upon quickly. Subject to reasonable time for processing and ensuring that the alien is qualified for a visa under various provisions of the INA, the spouses, minor children and parents of U.S. citizens should receive their visas without delay. Unfortunately, an enormous backlog of adjustment of status (to permanent residence) applications has developed at the INS. The backlog of unprocessed applications exceeded 986,000 as of this February. As of the end of the second quarter of fiscal year 2000, the INS-wide average processing time for adjustment of status applications was 22 months (regional delays can be longer).

Under current law, the date at which the age of an alien is measured for purposes of eligibility for an immigrant visa is the date the adjustment of status application filed on his or her behalf is processed by INS, not the date that the preceding immigrant visa petition was filed on their behalf. Thus, with the INS taking up to 3 years to process applications, aliens who were under 21 when their petitions were filed may find themselves over 21 by the time their applications are processed. When a child of a U.S. citizen "ages out" by turning 21, the child automatically shifts from the immediate relative category to the family first preference category. This puts him or her at the end of long waiting list for a visa.

How long? Generally, 23,400 family first preference visas are available each year to the adult unmarried sons and daughters of citizens. As of January 1997, 93,376 individuals were on the waiting list. Currently, visas are available for individuals from most countries who had petitions filed on their behalf in March 1999. For nationals of Mexico, visas are now available for petitions filed by April 1994. For nationals of the Philippines, visas are now available for petitions filed by May 1988. Thus, some sons and daughters of citizens will have to stay on a waiting list for from two to 13 years—entirely because the INS did not in a timely manner process the applications for adjustment of status filed on their behalf.

H.R. 1209, the Child Status Protection Act of 2001, addresses the predicament of these aliens, who through no fault of their own, lose the opportunity to obtain an immediate relative visa before they reach age 21. The bill provides that the determination of whether the unmarried son or daughter of a citizen is considered a child

(under 21) is to be made using the alien's age as of the time an immigrant visa petition is filed on his or her behalf.

This rule will also apply 1) when permanent resident parents petition for immigrant visas for their sons and daughters and later naturalize (making the sons and daughters potentially eligible for immediate relative visas) and 2) when citizen parents petition for immigrant visas for their married sons and daughters, and the sons and daughters later divorce (making them potentially eligible for immediate relative visas).

H.R. 1209 will also apply to those rare cases where a child "ages out" overseas during the usually more expeditious State Department visa processing.

HEARINGS

No hearings were held on H.R. 1209.

COMMITTEE CONSIDERATION

On April 4, 2001, the Committee met in open session and ordered favorably reported the bill H.R. 1209 without amendment by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

The bill was ordered favorably reported by a voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

PERFORMANCE GOALS AND OBJECTIVES

The cause that necessitates H.R. 1209 is the unacceptably long backlog of adjustment of status (to permanent residence) cases before the INS. As INS speeds its adjudication process and reduces this backlog, minor alien sons and daughters of U.S. citizens will have to wait shorter periods to be able to adjust their status, and fewer will have to rely on the provisions of H.R. 1209. The Committee expects the INS to make substantial and consistent progress in reducing the backlog.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1209, the following estimate and comparison prepared

by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 16, 2001.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1209, the Child Status Protection Act of 2001.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz (for Federal costs), who can be reached at 226-2860, and Erin Whitaker (for revenue impacts), who can be reached at 226-2680.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 1209—Child Status Protection Act of 2001.

CBO estimates that implementing H.R. 1209 would result in no significant costs to the Federal Government. The bill would affect direct spending and receipts, so pay-as-you-go procedures would apply, but we estimate that any such effects would be less than \$500,000 annually. H.R. 1209 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Under current law, unmarried children of United States citizens can apply for permanent U.S. residence as "immediate relatives" (a category with no limit on the number of entries) only if they are under the age of 21. The Immigration and Naturalization Service (INS) determines a child's age at the time the agency reviews the application. Because of backlogs at INS, about 1,000 of the applications reviewed each year are for persons who have turned 21 since they filed their petitions. This places them in the "family-based preference" category, which is subject to annual limits, and in many cases delays approval for years.

H.R. 1209 would direct the INS to use the child's age when the petition was originally filed. The bill's provisions would apply to petitions filed both before and after enactment. CBO expects that this legislation would increase the number of immigrant visas granted each year, because more applicants would be eligible for visas as immediate relatives and fewer would be shifted to the limited, family-based preference category.

The INS collects administrative fees when applications are filed, so H.R. 1209 would not affect the amount collected by that agency. In addition, the Department of State collects fees for issuing immigrant visas. These fees are deposited in the Treasury and classified as governmental receipts (revenues). Because H.R. 1209 would increase the number of immigrant visas granted each year, revenues

from this visa fee would increase. However, we expect that the additional revenues would total less than \$500,000 in any year.

Finally, enacting the bill could increase direct spending for certain Federal benefit programs, but any increase in spending for those programs would likely be less than \$500,000 annually because of the small number of persons affected.

The CBO staff contacts are Mark Grabowicz (for Federal costs), who can be reached at 226-2860, and Erin Whitaker (for revenue impacts), who can be reached at 226-2680. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8, clause 4 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short title

This act may be cited as the "Child Status Protection Act of 2001".

Section 2. Use of age on petition filing date, parent's naturalization date, or marriage termination date, in determining status as a child of a citizen

Section 2(a) of the bill amends section 201(b)(2)(A) of the Immigration and Nationality Act (INA) by creating a new clause (iii). Subclause (iii)(I) provides that for purposes of clause (b)(2)(A)(i) (setting forth which aliens are considered to be immediate relatives of U.S. citizens and consequently eligible for the acquisition of permanent resident status as immediate relatives), a determination of whether an unmarried alien is a child (as defined in section 101(b)(1) of the INA) of a U.S. citizen shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 of the INA to classify the alien as an immediate relative.

Subclause (iii)(II) of section 201(b)(2)(A) of the INA provides that in the case of a petition under section 204 of the INA initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A) of the INA, based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative, the determination described in subclause (iii)(I) shall be made using the age of the alien on the date of the parent's naturalization.

Subclause (iii)(III) of section 201(b)(2)(A) of the INA provides that in the case of a petition under section 204 of the INA initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3) of the INA, based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative, the determination described in subclause (iii)(I) shall be made using the age of the alien on the date of the termination of the marriage.

Section 2(b) of the bill provides that the provisions of section 2(a) of the bill shall apply to determinations made under section 201(b)(2)(A)(i) of the INA, and classification petitions filed under section 204 of the INA, before, on, or after the date of the enactment of the bill.

AGENCY VIEWS

DEPARTMENT OF JUSTICE,
Washington, DC, April 19, 2001.

Hon. F. JAMES SENSENBRENNER, JR., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This letter presents the views of the Department of Justice on H.R. 1209, the "Child Status Protection Act of 2001." We share the goal of H.R. 1209: addressing the problem of children who "age out" for immigration purposes under the Immigration and Nationality Act (the INA) through appropriate statutory change. We have concerns, however, about the bill's retroactivity provision and would welcome the opportunity to work with you on this provision.

H.R. 1209 provides that an alien shall be defined as a child of a United States citizen for purposes of immediate relative petitions based on the date of filing the petition, rather than on the date the petition is adjudicated. This change will address situations in which the beneficiary "ages out" of immediate relative status by reaching his or her 21st birthday before the petition can be adjudicated. We strongly support this change in the law.

Section 2(b) of H.R. 1209 provides that the amendments made by the bill would extend to determinations made under section 201(b)(2)(A)(i) of the INA, and classification petitions filed under section 204 of the INA, "before, on, or after the date of enactment of this Act." Extending the new definition of "child" to all past determinations is problematic. First, the Immigration and Naturalization Service (INS) does not track the cases of aliens who have "aged out" in the past. Second, we are concerned that the productivity implications of reopening an undetermined number of past, completed adjudications could be substantial, given the unlimited scope of the retroactivity. This is particularly true given that the further back in the past the INS is forced to go, the more difficult it is to reopen and correctly adjudicate a case.

H.R. 1209's retroactivity could affect determinations made as long ago as 1952. INS resources that would have to be diverted to readjudicating immediate relative petitions from the past could not be used for the INS's current efforts to reduce processing times for its current caseload of immigrant petitions and other benefit applications.

The general practice with respect to changes in the law is that the amendments apply to future petitions and those pending on the date of enactment, but not to determinations made before the date of enactment. We understand, however, that Congress may seek to address cases of children who have aged out in the past. Therefore, if Congress considers it necessary to address past cases, we would prefer a reasonable limit to retroactivity, such as making the changes retroactively applicable only to petitions denied as a result

of the beneficiary aging out within a specified period of time. A more limited retroactivity would provide relief in recent age-out cases under current or recent immigration law, while avoiding the harmful effects and legal complications of potentially reopening cases decided decades ago. Again, we would request the opportunity to work with you on this provision before the House of Representatives further considers the bill.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of further assistance. The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report.

Sincerely,

SHERYL L. WALTER, *Acting Assistant Attorney General.*

cc: John Conyers, Jr.
Ranking Member

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 201 OF THE IMMIGRATION AND NATIONALITY ACT

SEC. 201. (a) * * *

* * * * *

(b) ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

(1) * * *

* * * * *

(2)(A)(i) * * *

* * * * *

(iii)(I) *For purposes of clause (i), a determination of whether an unmarried alien is a child (as defined in section 101(b)(1) in the matter preceding subparagraph (A) of such section) of a citizen of the United States shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under clause (i).*

(II) *In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under clause (i), the determination described in subclause (I) shall be*

made using the age of the alien on the date of the parent's naturalization.

(III) In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under clause (i), the determination described in subclause (I) shall be made using the age of the alien on the date of the termination of the marriage.

* * * * *

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, APRIL 4, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The committee met, pursuant to notice, at 10:00 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner [chairman of the committee] presiding.

Chairman SENSENBRENNER. The committee will be in order; the Chair notes the presence of a working quorum. Pursuant to notice, I now call up the bill H.R. 1209, the Child Status Protection Act of 2001.

[H.R. 1209 follows:]

107TH CONGRESS
1ST SESSION

H. R. 1209

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2001

Mr. GEKAS (for himself and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Child Status Protec-
5 tion Act of 2001".

1 **SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S**
2 **NATURALIZATION DATE, OR MARRIAGE TER-**
3 **MINATION DATE, IN DETERMINING STATUS**
4 **AS A CHILD OF A CITIZEN.**

5 (a) IN GENERAL.—Section 201(b)(2)(A) of the Im-
6 migration and Nationality Act (8 U.S.C. 1151(b)(2)(A))
7 is amended by adding at the end the following:

8 “(iii)(I) For purposes of clause (i), a determina-
9 tion of whether an unmarried alien is a child (as de-
10 fined in section 101(b)(1) in the matter preceding
11 subparagraph (A) of such section) of a citizen of the
12 United States shall be made using the age of the
13 alien on the date on which the petition is filed with
14 the Attorney General under section 204 to classify
15 the alien as an immediate relative under clause (i).

16 “(II) In the case of a petition under section 204
17 initially filed for an alien child's classification as a
18 family-sponsored immigrant under section
19 203(a)(2)(A), based on the child's parent being law-
20 fully admitted for permanent residence, if the peti-
21 tion is later converted, due to the naturalization of
22 the parent, to a petition to classify the alien as an
23 immediate relative under clause (i), the determina-
24 tion described in subclause (I) shall be made using
25 the age of the alien on the date of the parent's natu-
26 ralization.

1 “(III) In the case of a petition under section
2 204 initially filed for an alien’s classification as a
3 family-sponsored immigrant under section 203(a)(3),
4 based on the alien’s being a married son or daughter
5 of a citizen, if the petition is later converted, due to
6 the legal termination of the alien’s marriage, to a
7 petition to classify the alien as an immediate relative
8 under clause (i), the determination described in sub-
9 clause (I) shall be made using the age of the alien
10 on the date of the termination of the marriage.”.

11 (b) APPLICABILITY.—The amendment made by sub-
12 section (a) shall apply to determinations made under sec-
13 tion 201(b)(2)(A)(i) of the Immigration and Nationality
14 Act, and classification petitions filed under section 204 of
15 such Act, before, on, or after the date of the enactment
16 of this Act.

○

Chairman SENSENBRENNER. I now recognize the gentleman from Pennsylvania, Mr. Gekas, for purpose of making a motion.

Okay. I'll make the motion. I move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point, and the Chair now recognizes the Chairman of the Subcommittee on Immigration and Claims, the gentleman from Pennsylvania, Mr. Gekas—to strike the last word.

Mr. GEKAS. Thank you.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GEKAS. I thank the Chair.

This bill is a replication of legislation that was considered by this committee last term and which was then authored by the former chairman, our colleague from Texas, Lamar Smith.

At that time, we found it to be an acceptable solution to a long-festering problem and we now repeat the message that it's time to adjust the status of the youngsters who are affected by it.

Here's what the situation is. When aliens are permitted to apply for permanent residency and citizenship in the United States, automatically their children under 21 years of age are granted similar permanent status. However, because of the INS's longstanding problems with the process of monitoring these applications, these children, sometimes 12, 13, 14 and 16, become over 21, and when they reach that age, they're automatically put into a preference status, not the immediate relative status that's granted to minor children.

This bill seeks to correct that to say that if, indeed, the application was filed, the process began while the child was a minor, that even if that child turns 21, that they—it would not be shifted, that child would not be shifted into the preference more-strict category that is part of the INS structure, but rather be considered at the time of the application as a minor, thereby receiving permanent status. So that's a simple act of justice to which the lady from Texas, Ms. Jackson Lee, subscribed last time and whose amendment at that time is part of the main bill which we now present here today.

I yield back the balance of my time.

Chairman SENSENBRENNER. The gentleman's time is expired.

For what purpose does the gentlewoman from Texas seek recognition?

Ms. JACKSON LEE. Mr. Chairman, to strike the last word.

Chairman SENSENBRENNER. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE. I thank the Chairman very much.

To my colleagues, the Child Status Protection Act of 2001 is co-sponsored by myself and the Chairman, and it is a culmination of a bipartisan agreement that addresses the status of unmarried children of U.S. citizens who turn 21 while in the process of having an immigrant visa petition adjudicated. I think it supports the underlying premise of the immigration policy in this country, which is a reunification of families.

The age and marital status of the offspring of U.S. citizens determine whether they're eligible for immigrant status as immediate relatives or under the family first preference category.

Briefly, H.R. 1209 would protect the status of children of United States citizens who in essence age out, get over the age while waiting for unfortunately the delayed processing in the INS.

The child of a U.S. citizen is eligible for admission as an immediate relative. Immediate relatives of U.S. citizens are not subject to any numerical restrictions; that is, visas are immediately available to them under the statute, subject only to the processing time required to adjudicate the immediate relative visa. Thus, the only wait that such child—children are required to endure is the time it takes to process their paperwork.

This bill corrects the problem of aging out. Under current law, however, once children reach 21 years of age, they are no longer considered immediate relatives under the INS, which requires them to get back in line and behind a whole list and throng of individuals, which causes them, one, to not be united with their family in citizenship, but two, to wait a very, very, very, very long time. Thus, instead of being entitled to admission without numerical limitation, the U.S. citizen sons or daughters are placed, as I said, in the back of the line for one of the INS backlog family preference categories of immigrants.

This bill with the new added compromise language that I proposed last year will solve the age-out problem without displacing others who have been waiting patiently in other visa categories, which was one of the issues that disturbed us. So in essence, they may be behind a line technically, but they would now avoid that conflict and that discrimination, if you will, of those who have been waiting by being in a separate category.

I would like to thank our subcommittee chairman, and I look forward to the consideration of this legislation and ask my colleagues for their support.

With that, Mr. Chairman, I yield back the balance of my time.

Chairman SENSENBRENNER. For what purpose does the gentleman from Texas, Mr. Smith, seek recognition?

Mr. SMITH. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. SMITH. Mr. Chairman, first I want to thank and compliment the Chairman of the Immigration Subcommittee, Mr. Gekas, and the Ranking Member, Ms. Jackson Lee, for introducing this legislation.

Children of citizens are being penalized because it is now taking the INS an unacceptable length of time—often years—to process adjustment of status applications. In some cases, the wait is so long that minor children are becoming adults while waiting for the INS to act. When they become adults, they lose the privilege status of immediate relatives of citizens. They are placed at the end of the first preference waiting list and have to endure an additional wait of 2 to sometimes 13 years for their green cards.

H.R. 1209 does the right thing and provides that an immigrant child of a U.S. citizen shall remain eligible for immediate relative status as long as an immigrant visa petition was filed before the child turned 21.

I hope that after Congress restructures the INS and the Federal Government provides immigrant benefits in a more professional

and expeditious manner, we won't need to pass any more bills such as H.R. 1209.

Thank you, Mr. Chairman. I urge my colleagues to support it.

Chairman SENSENBRENNER. The gentleman's time has expired.

Are there amendments?

There do not appear to be any amendments.

A reporting quorum is not present. Without objection, the previous question is ordered and further proceedings on the bill will be postponed.

[Staff Note: Intervening Business.]

Chairman SENSENBRENNER. Okay. We do have a vote on the floor. The Chair is under the impression that we have a reporting quorum in the vicinity and I would like to take care of H.R. 1209.

So the question occurs on the motion to report the bill H.R.—never mind. That was taken care of before the gentleman from New York appeared. I think you're for this one.

The question occurs on the motion to report the bill H.R. 1209 favorably.

All in favor will say aye.

Opposed, no.

The ayes have it and the motion to report favorable is adopted.

Without objection, the Chair is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make any technical and conforming changes.

All members will be given 2 days as provided by House rules in which to submit additional dissenting supplemental or minority views. Let me say that that statement was made pursuant to the rules; however, yesterday the House did grant us the authority to file a committee report no later than April 20th, so dissenting minority and supplemental views are due by then.

The Chair will declare a recess for us to go and vote. Please come back promptly, because after the rule on the estate tax repeal is voted on, we're supposed to have three or four votes in a row on motions held over from yesterday and it would be nice if we didn't have to come back after lunch.

The committee is in recess.

One Hundred Seventh Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the twenty-third day of January, two thousand and two*

An Act

To amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Status Protection Act".

SEC. 2. USE OF AGE ON PETITION FILING DATE, PARENT'S NATURALIZATION DATE, OR MARRIAGE TERMINATION DATE, IN DETERMINING STATUS AS IMMEDIATE RELATIVE.

Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

"(f) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE IMMEDIATE RELATIVES.—

"(1) AGE ON PETITION FILING DATE.—Except as provided in paragraphs (2) and (3), for purposes of subsection (b)(2)(A)(i), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using the age of the alien on the date on which the petition is filed with the Attorney General under section 204 to classify the alien as an immediate relative under subsection (b)(2)(A)(i).

"(2) AGE ON PARENT'S NATURALIZATION DATE.—In the case of a petition under section 204 initially filed for an alien child's classification as a family-sponsored immigrant under section 203(a)(2)(A), based on the child's parent being lawfully admitted for permanent residence, if the petition is later converted, due to the naturalization of the parent, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i), the determination described in paragraph (1) shall be made using the age of the alien on the date of the parent's naturalization.

"(3) AGE ON MARRIAGE TERMINATION DATE.—In the case of a petition under section 204 initially filed for an alien's classification as a family-sponsored immigrant under section 203(a)(3), based on the alien's being a married son or daughter of a citizen, if the petition is later converted, due to the legal termination of the alien's marriage, to a petition to classify the alien as an immediate relative under subsection (b)(2)(A)(i) or as an unmarried son or daughter of a citizen under section 203(a)(1), the determination described in paragraph (1) shall

be made using the age of the alien on the date of the termination of the marriage.”.

SEC. 3. TREATMENT OF CERTAIN UNMARRIED SONS AND DAUGHTERS SEEKING STATUS AS FAMILY-SPONSORED, EMPLOYMENT-BASED, AND DIVERSITY IMMIGRANTS.

Section 203 of the Immigration and Nationality Act (8 U.S.C. 1153) is amended by adding at the end the following:

“(h) RULES FOR DETERMINING WHETHER CERTAIN ALIENS ARE CHILDREN.—

“(1) IN GENERAL.—For purposes of subsections (a)(2)(A) and (d), a determination of whether an alien satisfies the age requirement in the matter preceding subparagraph (A) of section 101(b)(1) shall be made using—

“(A) the age of the alien on the date on which an immigrant visa number becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien’s parent), but only if the alien has sought to acquire the status of an alien lawfully admitted for permanent residence within one year of such availability; reduced by

“(B) the number of days in the period during which the applicable petition described in paragraph (2) was pending.

“(2) PETITIONS DESCRIBED.—The petition described in this paragraph is—

“(A) with respect to a relationship described in subsection (a)(2)(A), a petition filed under section 204 for classification of an alien child under subsection (a)(2)(A); or

“(B) with respect to an alien child who is a derivative beneficiary under subsection (d), a petition filed under section 204 for classification of the alien’s parent under subsection (a), (b), or (c).

“(3) RETENTION OF PRIORITY DATE.—If the age of an alien is determined under paragraph (1) to be 21 years of age or older for the purposes of subsections (a)(2)(A) and (d), the alien’s petition shall automatically be converted to the appropriate category and the alien shall retain the original priority date issued upon receipt of the original petition.”.

SEC. 4. USE OF AGE ON PARENT’S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ASYLUM.

Section 208(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(3)) is amended to read as follows:

“(3) TREATMENT OF SPOUSE AND CHILDREN.—

“(A) IN GENERAL.—A spouse or child (as defined in section 101(b)(1) (A), (B), (C), (D), or (E)) of an alien who is granted asylum under this subsection may, if not otherwise eligible for asylum under this section, be granted the same status as the alien if accompanying, or following to join, such alien.

“(B) CONTINUED CLASSIFICATION OF CERTAIN ALIENS AS CHILDREN.—An unmarried alien who seeks to accompany, or follow to join, a parent granted asylum under this subsection, and who was under 21 years of age on the date on which such parent applied for asylum under this section, shall continue to be classified as a child for purposes of this paragraph and section 209(b)(3), if the alien attained

21 years of age after such application was filed but while it was pending.”.

SEC. 5. USE OF AGE ON PARENT'S APPLICATION FILING DATE IN DETERMINING ELIGIBILITY FOR ADMISSION AS REFUGEE.

Section 207(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(c)(2)) is amended—

- (1) by striking “(2)” and inserting “(2)(A)”; and
- (2) by adding at the end the following:

“(B) An unmarried alien who seeks to accompany, or follow to join, a parent granted admission as a refugee under this subsection, and who was under 21 years of age on the date on which such parent applied for refugee status under this section, shall continue to be classified as a child for purposes of this paragraph, if the alien attained 21 years of age after such application was filed but while it was pending.”.

SEC. 6. TREATMENT OF CLASSIFICATION PETITIONS FOR UNMARRIED SONS AND DAUGHTERS OF NATURALIZED CITIZENS.

Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following:

“(k) PROCEDURES FOR UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a petition under this section initially filed for an alien unmarried son or daughter's classification as a family-sponsored immigrant under section 203(a)(2)(B), based on a parent of the son or daughter being an alien lawfully admitted for permanent residence, if such parent subsequently becomes a naturalized citizen of the United States, such petition shall be converted to a petition to classify the unmarried son or daughter as a family-sponsored immigrant under section 203(a)(1).

“(2) EXCEPTION.—Paragraph (1) does not apply if the son or daughter files with the Attorney General a written statement that he or she elects not to have such conversion occur (or if it has occurred, to have such conversion revoked). Where such an election has been made, any determination with respect to the son or daughter's eligibility for admission as a family-sponsored immigrant shall be made as if such naturalization had not taken place.

“(3) PRIORITY DATE.—Regardless of whether a petition is converted under this subsection or not, if an unmarried son or daughter described in this subsection was assigned a priority date with respect to such petition before such naturalization, he or she may maintain that priority date.

“(4) CLARIFICATION.—This subsection shall apply to a petition if it is properly filed, regardless of whether it was approved or not before such naturalization.”.

SEC. 7. IMMIGRATION BENEFITS FOR CERTAIN ALIEN CHILDREN NOT AFFECTED.

Section 204(a)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(D)) is amended by adding at the end the following new clause:

H. R. 1209—4

“(iii) Nothing in the amendments made by the Child Status Protection Act shall be construed to limit or deny any right or benefit provided under this subparagraph.”.

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to any alien who is a derivative beneficiary or any other beneficiary of—

(1) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) approved before such date but only if a final determination has not been made on the beneficiary's application for an immigrant visa or adjustment of status to lawful permanent residence pursuant to such approved petition;

(2) a petition for classification under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) pending on or after such date; or

(3) an application pending before the Department of Justice or the Department of State on or after such date.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
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GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS JIM JUKES, EXTENSION 53458/FAX 56148, BY 10:00 AM TODAY AND SEND A COPY TO THE STAFF SECRETARY. THERE IS NO SIGNING STATEMENT FOR THIS BILL. THANK YOU.

NC

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 am

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RESPONSE:

cc Jay
Diana/Garry
Teri

No comments.
-GARY M. -DPC

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702



OFFICE OF THE VICE PRESIDENT
WASHINGTON

02 AUG 6 AM 10:38

August 6, 2002

MEMORANDUM FOR JIM JUKES

ASSISTANT DIRECTOR, OMB

FROM:

JONATHAN BURKS
DEPUTY STAFF SECRETARY TO THE VICE PRESIDENT

SUBJECT:

Enrolled Bill H.R. 1209 – Child Status Protection Act

The Office of the Vice President has reviewed the above-referenced draft and concurs in the recommendation to sign the enrolled bill.

cc: Harriet Miers
Staff Secretary

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am

ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 11:00 am

Subject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

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RESPONSE:

NO comment

CS 8/6/02

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

NOEL

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No comments

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

SSI/ RM NO.

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RESPONSE:

No objection

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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OK - No Comment

RESPONSE:

Harriet E. Miers
Assistant to the President
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Ext. 62702

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;

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For a complete list of items withdrawn from this folder, see the
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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 1209] [771376]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

Freedom of Information Act - [5 U.S.C. 552(b)]

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GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS IN WRITING EXTENSION 66212 BY

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☒	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS JIM JUKES, EXTENSION 53458/FAX 56148, BY 10:00 AM TODAY AND SEND A COPY TO THE STAFF SECRETARY. THERE IS NO SIGNING STATEMENT FOR THIS BILL. THANK YOU.

RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO	0463	
CONNECTION TEL		69720
CONNECTION ID		
ST. TIME	08/06 08:57	
USAGE T	01'13	
PGS. SENT	4	
RESULT	OK	

SS/ RM NO.

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☒	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐		☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

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WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☒	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS JIM JUKES, EXTENSION 53458/FAX 56148, BY 10:00 AM TODAY AND SEND A COPY TO THE STAFF SECRETARY. THERE IS NO SIGNING STATEMENT FOR THIS BILL. THANK YOU.

RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0462
 CONNECTION TEL 51005
 CONNECTION ID
 ST. TIME 08/06 08:55
 USAGE T 01'16
 PGS. SENT 4
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS →	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0461
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 08/06 08:54
 USAGE T 01'17
 PGS. SENT 4
 RESULT OK

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☒	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0460
 CONNECTION TEL 56958
 CONNECTION ID
 ST. TIME 08/06 08:51
 USAGE T 00'39
 PGS. SENT 2
 RESULT OK

SSI/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
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CARD	☒	☐	IRASTORZA	☐	☐
BARTLETT	☒	☐	JOHNSON	☒	☐
BLAKEMAN	☐	☐	LINDSEY	☒	☐
BOLTEN	☒	☐	MARBURGER	☐	☐
BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

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CALIO	☒	☐	RICE	☒	☐
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REMARKS:

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RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
For a complete list of items withdrawn from this folder, see the
Withdrawal/Redaction Sheet at the front of the folder.**

COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 1209] [771376]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

P1 National Security Classified Information [(a)(1) of the PRA]
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
P3 Release would violate a Federal statute [(a)(3) of the PRA]
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
P5 Release would disclose confidential advise between the President and his advisors, or between such advisors [(a)(5) of the PRA]
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

b(1) National security classified information [(b)(1) of the FOIA]
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 am

Subject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS JIM JUKES, EXTENSION 53458/FAX 56148, BY 10:00 AM TODAY AND SEND A COPY TO THE STAFF SECRETARY. THERE IS NO SIGNING STATEMENT FOR THIS BILL. THANK YOU.

RESPONSE:

(ok)

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 1209] [771376]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
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Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
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CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
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HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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NO COMMENT**RESPONSE:**

2002 AUG 9 - 5:57 PM
 EX-100 PRESIDENT
 STAFF SECRETARY

(make xerox of
 front page)

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

	ACTION	FYI		ACTION	FYI
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BRIDGELAND	☒	☐	MIERS	☐	☐
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☒	☐	ROVE	☒	☐
FLEISCHER	☒	☐	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☐
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

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RESPONSE:

cc Jay
Diana/Garry
Teri

OK

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 1209] [771376]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

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WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

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JLC

RESPONSE:

*cc Jay
Diana / Garry
Tevi*

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Child Status Protection Act - To: POTUS - From: Mitchell E. Daniels, Jr.	3	08/06/2002	P5;

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COLLECTION:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

08/06/2002 [H.R. 1209] [771376]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

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Deed of Gift Restrictions

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6752

SS/ RM NO.

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RESPONSE:

The NSC concurs.

for Condoleezza Rice
 Assistant to the President for
 National Security Affairs

Harriet E. Miers
 Assistant to the President
 and Staff Secretary
 Ext. 62702

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Marsh, Thomas S. (RECORDS)

From: Nemroff, Courtney R. (DEMOC)
Sent: Tuesday, August 06, 2002 3:49 PM
To: Marsh, Thomas S. (RECORDS); Dworken, Jonathan T. (DEMOC); Bellinger III, John B. (LEGAL)
Cc: @Democ; @Legal Advisor; @EXECSEC; @UP; @West Wing Desk
Subject: RE: WHR6752 -- Enrolled Bill HR 1209 -- Child Status Protection Act [UNCLASSIFIED, Record]

@democ clears with no comments. thx.

-----Original Message-----

From: Marsh, Thomas S. (RECORDS)
Sent: Tuesday, August 06, 2002 1:43 PM
To: Dworken, Jonathan T. (DEMOC); Bellinger III, John B. (LEGAL); Nemroff, Courtney R. (DEMOC)
Cc: @Democ; @Legal Advisor; @EXECSEC; @UP; @West Wing Desk
Subject: RE: WHR6752 -- Enrolled Bill HR 1209 -- Child Status Protection Act [UNCLASSIFIED, Record]

Any comments on this? Last call.....

-----Original Message-----

From: Lee, Sang W. (RECORDS)
Sent: Tuesday, August 06, 2002 10:28 AM
To: Dworken, Jonathan T. (DEMOC); Bellinger III, John B. (LEGAL); Nemroff, Courtney R. (DEMOC)
Cc: @Democ; @Legal Advisor; @EXECSEC; @UP; @West Wing Desk
Subject: WHR6752 -- Enrolled Bill HR 1209 -- Child Status Protection Act [UNCLASSIFIED, Record]
Importance: High

Attached is WH Referral #6752 -- Enrolled Bill HR 1209 -- Child Status Protection Act

Action: Dworken

Concurrence: Bellinger, Nemroff

Comments are due ASAP

<< File: WHR6752.tif >>

Please pass your comments via e-mail to West Wing Desk, and we will do the rest.

SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 8-6-02 8:30 am ACTION / CONCURRENCE / COMMENT DUE BY: 8-6-02 10:00 amSubject: ENROLLED BILL H.R. 1209 - CHILD STATUS PROTECTION ACT

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OK-NEC

RESPONSE: _____

Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

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THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE

August 5, 2002

Committed to Keeping America's Children Safe

Today's Presidential Action:

- President George W. Bush announced two new steps to help improve personal safety for the children of America.
- The President will convene a White House Conference on Missing, Exploited and Runaway Children in September. The Conference will promote public awareness of the cause of missing, exploited and runaway children, and it will bring policy makers, experts, key officials, community leaders, teachers and law enforcement together to share progress made and generate new ideas to help prevent the victimization of children.
- The President also announced the release of a new guidebook – "Personal Safety for Children: A Guide for Parents." The guidebook is designed to help parents take specific steps to improve the safety of their children, and it includes information that children of all ages can understand. The guidebook reflects the work of experts on child safety from the Department of Justice, the Department of Health and Human Services, the Department of Education, the FBI and the National Center for Missing and Exploited Children. It is available online in English and in Spanish at www.missingkids.com.

Background on Today's Presidential Action

- Each year, more than 58,000 children in the United States are abducted by non-family members, often in connection with another crime. More than 200,000 children are abducted by family members who are seeking to interfere with a parent's custodial rights. Although the vast majority of children (at least 98%) return from these abductions, too many children do not. In the most dangerous type of abduction – stranger kidnapping – fully 40% of children are killed.
- On September 24, the President will host the first-ever White House Conference on Missing, Exploited and Runaway Children held in conjunction with the Justice Department's Office of Juvenile Justice and Delinquency Prevention and the National Center for Missing and Exploited Children.
- The all day conference, held on the campus of the George Washington University in Washington, DC, will bring together members of the President's Cabinet; federal, state and local officials; law enforcement; corporate leaders; citizen experts; parents of victim children; and other leaders involved in the cause of missing, exploited and runaway children.
- The conference will focus on a wide range of topics related to children's safety, including missing and exploited children; runaway and homeless youth; international child abduction; sex trafficking of children; child pornography; child safety and Internet safety, and corporate and community involvement.
- For FY 2003, President Bush has proposed a 26% increase in funding for the Missing and Exploited Children's Program, which provides training for state and local enforcement on handling missing child cases (\$29 million – an increase of 26% over FY 2002). The program also supports the Department of Justice's Internet Crimes Against Children Task Force (ICACTF). The President's budget request will enable the Department of Justice to double the size of the Task Force.

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RESPONSE:

No objection
Andy
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Harriet E. Miers
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