



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

LEGISLATIVE REFERENCE DIVISION
ECONOMICS, SCIENCE, AND GENERAL GOVERNMENT BRANCH

TO:

Leanne Shimabukuro

FROM: INGRID SCHROEDER
phone: (202) 395-3883
FAX: (202) 395-3109

DATE: 10/21/97

NUMBER OF PAGES (including this cover sheet): 9

COMMENTS:

background on LAM #IMS176

Immigration

Special Immigrant
Juveniles

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Memorandum



Subject Special Immigrant /Juvenile
Amendment by Sen. Domenici

Date October 14, 1997

To David Martin, General Counsel

Paul Virtue, Associate Commissioner
for Program Development

From Office of
Congressional Relations

The Office of General Counsel drafted an amendment to the definition of the Special Immigrant/Juvenile at Section 101(a)(27)(J), which was provided to Senator Pete Domenici (R-NM) and subsequently added as a rider to H.R. 2267, the FY 1997 Appropriations bill for Commerce, Justice, State. Sen. Domenici had discovered and objected to the provision being inappropriately used by non-immigrant students to adjust their status to lawful permanent residence. In addition, the INS prepared the amendment to clarify that the provision was not applicable to minor aliens in Service custody, but that it was applicable to persons paroled into the United States. Finally, we added a requirement that the probate court obtain the consent of the Attorney General before proceeding to issue a dependency order that would qualify an alien for lawful permanent residence.

A number of advocates for abused children—including the County Welfare Directors Association of California—have written to Sen. Domenici with copies to other Members of Congress urging that the amendment not be adopted. Rep. Zoe Lofgren has communicated with INS and the Department of Justice concerning this matter. The advocates cite the following reasons:

--Alien children who have entered lawfully are encountered in abusive circumstances and the probate courts need to take custody of them. They could not be considered for adjustment under this amendment.

--The imposition of the language requiring the consent of the Attorney General will unduly delay the normal procedures of probate courts. The California County Welfare Directors assert that their probate courts could not even hold a dependency hearing as they are obliged to within 72 hours of taking custody of a child from an abusive family situation. [It may be that the changes in the welfare laws now also preclude non-LPRs from eligibility for federally financed foster care.] The dependency order is a trigger for continuing custody.

--The Department of Justice and INS have no expertise in this area and therefore cannot helpfully determine whether or not an alien child should be made a dependent of the court. They believe that the INS regulations are sufficient and assert that INS can deny permanent residence, if there is something inappropriate about the application. [We, of course, wanted to change the process because we felt the plain language of the existing statute gave us no latitude to reject the application, if the alien child, even one in our custody whom we intended to remove, had been declared a dependent of the court.]

According to Marco Gonzalez, legislative aide to Senator Domenici, the Senator has no intention to alter the statutory language as he introduced it. In fact, that language is an early version of what we gave to the Department and not the final language which we formally transmitted to the Attorney General for inclusion in a letter from Assistant Attorney General Andy Fois to Senator Domenici. Mr. Gonzalez said that they would be glad to look at any substitute language, which we would recommend, but they needed to have it as soon as possible this week in order to have it considered during the CJS Conference Committee deliberations. The CJS Conference will be completed early next week in order to attempt to secure approval of the two Houses before the October 23 expiration of the Continuing Resolution.

Will you please review the attached material and determine whether INS should seek to modify the amendment which Sen. Domenici intends to have included in the Conference version of the CJS Appropriation. Although not of concern to Domenici, the Office of the Deputy Attorney General has asked for our views on the concerns of the various parties who have approached Rep. Lofgren and other Members of Congress. The Office of Program Development needs to consider how the district offices would modify their procedures to respond rapidly to the probate courts to indicate whether or not the Service would consent to having particular aliens designated as dependents of the court for the purpose of being granted lawful permanent residence. Perhaps we should consider whether we can craft language which distinguishes between the issuance of a dependency order and the utilization of that dependency order as a necessary element of but not the total basis of eligibility for an application for lawful permanent residence.

We need a clear answer for the Office of the Deputy Attorney General no later than close of business, Wednesday, October 15.



Allen Erenbaum
Acting Director

Attachments

cc: Mike Aytes, HQBEN
Bob Bach, EAC/OPP
Jeff Weber, HQBUD

Ralph Thomas 616-7345
Mark Snider 514-5231

COUNTY WELFARE DIRECTORS ASSOCIATION OF CALIFORNIA

FRANK J. MECCA, Executive Director

PATRICIA J. CRAIG, Federal Liaison
Washington Office

September 24, 1997

The Honorable Pete Domenici
United States Senate
Washington, D.C. 20510

Attention: Marco Gonzales, Legislative Assistant

Re: S. 1022, Special Immigrant Juvenile Status

Dear Senator Domenici:

The County Welfare Directors Association of California is very concerned about amendments to the Special Immigrant Juvenile status (SIJS) procedures in S. 1022. Our members appreciate that you want to prevent misuse of the program and preserve its benefits for the abused, neglected or abandoned children it was designed to help. In California the process is working well under the current law and regulations. Although we have not seen abuses such as those that prompted your legislation, we share your interest in protecting the integrity of this small but vital program.

However, the proposed cure that passed the Senate as part of the appropriations measure subjects a broader than intended range of juvenile court decisions to the Attorney General's approval. By not limiting the Attorney General's role to the proceedings that support application for SIJS, the amendment creates problems that will hinder the proper disposition of the protection and foster care hearings of undocumented children.

We believe that your intent is to involve the Attorney General in cases that are questionable in the application of SIJS, and for immigrants in the custody of the Attorney General, rather than to insert the federal government in all protection and placement matters related to nonlegal immigrant dependent children. It is difficult to give the Attorney General a role in the dependency process, without creating a situation of federal oversight and second-guessing of the courts. At a minimum, the amendment should distinguish between the overlapping terminology of dependency orders made in child protection and foster care proceedings and the process of the courts' making a notice of findings to be submitted with an application for Special Immigrant status.

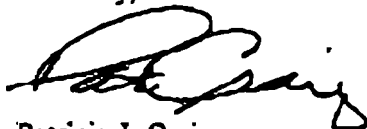
Our Washington office has worked with several counties and with national organizations and immigration attorneys, to devise alternate language that would address the problems reviewed with Attorney General Reno in the March 12 hearings. Although draft language has been submitted for your consideration in the conference committee, there are still unresolved issues that deserve more deliberation than is permitted by the short time frame available.

The Honorable Pete Domenici

CWDA will continue to work with your office on suitable language to protect this very worthwhile program in the conference report bill. However, we believe it is preferable to defer the issue to allow for a broader debate.

Thank you for considering the views of CWDA.

Sincerely,



Patricia J. Craig
Federal Liaison

cc: The Honorable Judd Gregg, Chairman,
Appropriations Subcommittee on Commerce, Justice, and State
The Honorable Dianne Feinstein
The Honorable Barbara Boxer
The Honorable Zoe Lofgren

encl.

COUNTY WELFARE DIRECTORS ASSOCIATION

OF CALIFORNIA



FRANK J. MECCA, Executive Director

PATRICIA J. CRAIG, Federal Liaison
Washington Office

Senate Amendments to the Special Immigrant Status (SIS)

SUMMARY OF PROVISIONS

Section 113 of S.1022, the Senate Commerce/Justice Appropriations Act, makes the following changes to the immigration laws governing Special Immigrant Status for undocumented children in foster care:

Section 1101. (a)(2)(J) Definitions

(J)(i) New subsection adds parole authority and requires physical presence

- clarifies that to be eligible for special immigrant status, the child *must be present* in the United States *without having been admitted or paroled*, and
- adds a provision that the Attorney General can parole children into the United States *specifically for the purpose of achieving special immigrant status*. (See also Section 1255(h)(2)(b), Adjustment of Status.)

The first bullet would bar from special immigrant status children in long term foster care who were brought legally to the US, and those paroled into the US by the Attorney General. The intent may have been simply to address non-legal entry and to bar application prior to (legal) entry. But the effect – eliminating “J” status for children who entered legally but lack permanent status – is to deny opportunity for SIS status to children in foster care who were abused or abandoned after legal entry and cannot return to parents or country of origin.

The new parole authority appears to extend eligibility for SIS status to additional minors who are not in the foster care system. If so, all children entering special immigrant status would be individually determined by the AG and local juvenile courts could not move toward J status without express approval of the AG.

(J)(ii)(I) Notification to and consent of Attorney General

- requires the local juvenile court to *notify the Attorney General that a dependency hearing has been requested for a child who is undocumented, and*
- requires the express consent of the Attorney General for the dependency hearing to take place.

Whether intentional or not, the subsection mandates that *all* undocumented children who are abused, neglected, or abandoned and in need of foster care receive the express approval of the Attorney General before *any* dependency hearing can take place. The notification and consent provision is not limited to the hearing that establishes the finding of long term care (which can occur up to 18 months after placement) that sets the stage for application for special immigration status. Nor does the language distinguish between protective custody or placement hearings and the separate “order” issued by a court, which accompanies an application for SIS. Therefore, as written, the amendment would require the AG’s approval for hearings at any stage, including the initial dependency hearing to establish the child’s need for protection and placement.

State laws vary with respect to timing and frequency of dependency hearings. Generally, several are held before the court considers a permanency plan, which may result in a finding that long term foster care is required. California law requires an initial dependency hearing within 72 judicial hours (3 working days) of the child’s being taken into custody. At this point, the child is adjudicated as a dependent of the court because of neglect or abuse and if continued custody is in the child’s best interest, custody is awarded to the county child welfare agency.

The child's immigration status may not be known and is not an issue in these protection and custody decisions. However, the court's finding of abuse or neglect is described in a "minute order" that is part of the record used by the court in considering a long term care placement is required, which would also result in an order. If application is made for special immigrant status, these findings (orders), along with the finding (order) that the child cannot return to his/her country of origin or last habitual residence, are certified by the court in a form to be appended by the individual or agency making application to the INS on behalf of the immigrant child.

(J)(i)(II) Children in custody of Attorney General

- provides that while children are in the (actual or constructive) custody of the Attorney General, a local juvenile court is denied jurisdiction unless the Attorney General expressly consents to such jurisdiction.

Children in the custody of the AG are typically those who are detained by the INS following apprehension, or otherwise in custody pending deportation decisions. This provision would mean that in matters requiring dependency hearings, a local court could not intervene to protect an undocumented minor, even if he/she is being or has been abused, unless the AG grants jurisdiction to the local court.

Section 1255 (h) Adjustment of status to permanent residence for special immigrants

Under current law, special immigrants described in section 1101(a)(27)(J) are deemed to have been paroled into the U.S. for purposes of adjustment of status, and are prohibited from applying for or being admitted to the U.S. as a special immigrant.

(h)(2)(B) Adjustment of status for those paroled for special immigrant status

- adds similar adjustment of status provisions for those *paroled into the United States by the Attorney General specifically in order to apply for such immigrant status*, by exempting them from waiver requirements and prohibiting construing the parole authority as a requirement on the Attorney General.

This revision complements the new parole authority in Section 1101(a)(27)(J)(i).

Contact: Pat Craig, County Welfare Directors Association of California
Washington Office (202-466-0001)
Revised 9/24/97

COUNTY WELFARE DIRECTORS ASSOCIATION

OF CALIFORNIA



FRANK J. MECCA, Executive Director

PATRICIA J. CRAIG, Federal Liaison
Washington Office

Senate Amendments to the Special Immigrant-Juvenile Status (SIJS)

IMPACT ON COUNTY CHILD WELFARE SYSTEMS

S. 1022, the Commerce/Justice Appropriations bill passed by the Senate prior to the August recess, makes substantive changes in the law providing special immigration-juvenile status (SIJS) for children in long term foster care who are undocumented aliens. The amendment would impose oversight by the Attorney General of juvenile court decisions in the disposition of child protection and placement cases.

CWDA strongly urges that the provisions be dropped when the appropriations measure goes to conference. At minimum, any review by the Attorney General should be limited to the SIJS application and not extend to the factual circumstances of the protection and foster care case.

CWDA does not believe the special immigrant system is broken. The special immigrant status is reserved for children who have to remain in foster care for their minority years and must be given the opportunity to adjust to legal resident status.

- The SIJS program is working as intended in California, without the misuses that prompted the S. 1022 amendments. California county welfare departments have processed the majority of special immigrant cases in the nation, with the cooperation of the juvenile courts, the Immigration and Naturalization Service, and nonprofit agencies.
- As set forth in the SIJS statute and in federal and state foster care laws, rigorous policies and procedures assure that factors supporting an application for SIJS are pursued only after reunification with family or repatriation to country of origin have been ruled out.
- Many children coming into the child protection system are in fact reunited with family in their native country, when that is in their best interest.

A broad brush approach to correcting abuses affects all children in the foster care system who need SIJS. S. 1022 requires that the Attorney General be notified of and expressly consent to dependency hearings regarding children in need of special immigrant status.

- The amendment would shift decisions about foster care and best interests of neglected, abused, or abandoned nonlegal immigrant children from juvenile courts to the federal government, eroding the legal authority of local juvenile courts.
- If juvenile courts can hear only those cases expressly approved by the AG, then only the federal government would decide which undocumented children could be approved for long term foster care and subsequently have application made for special immigrant status.
- As written, the AG's approval is required even for the initial hearing to establish the dependency status, which occurs within 72 hours of being taken into protective custody.

Imposing federal authority over the local dependency court decisions is unlikely to resolve perceived abuses and is sure to impede the system.

- It would hamper the state or local child protection system from making timely disposition in the foster care and/or adoption process of abused and neglected immigrant children.

- Courts and states would be denied federal foster care matching funds for children whose special immigration status is delayed or denied.
- Added burdens to the courts and child welfare systems of seeking and obtaining AG approval to hear cases would increase administrative costs to all levels of government.
- New systems would have to be set up in the Attorney General's office as well as in the local agencies and courts, to expedite the notification and express consent processes.

S. 1022 AMENDMENTS

The amendments, inserted by Senator Pete Domenici, seek to curb perceived abuses of the SIJS program, by requiring approval of the Attorney General in the dependency hearing process. The concerns include students who claim to be abused and/or neglected, in order to achieve legal residency. Some were over the age at which most states accept dependency; one was 20 and another had not arrived in the U.S. prior to making application.

The intent of the amendments appears to be to narrowly target abuses of the special immigrant provision, while giving the Attorney General authority to make exceptions, by paroling into the U.S. some minors who would then have the right to pursue the special status.

Unfortunately, as drafted, the corrective measure extends beyond immigration matters into child protection and placement decisions.

BACKGROUND OF SIJS

The 1990 amendment to immigration laws made children who receive special immigrant-juvenile status (SIJS) eligible for Title IV-E foster care payments. Further technical amendments in 1991 waived their having to leave the U.S. and re-enter as legal immigrants, as required for others. The SIJS establishes permanent residency for the child, entitling him/her to apply for citizenship after 5 years. Without the special status, these children are subject to deportation and are essentially stateless once they become adults and no longer are under the custody of the juvenile court or state foster care agency. As undocumented aliens, they cannot get a green card allowing them to work, or attend public universities.

In order to qualify for the special immigration status (and also for federal Title IV-E foster care funds), the child has to be a dependent of the court and be eligible for long-term foster care placement. (Long term foster care, under federal statute, means that reunification with the child's parent(s) is not viable, and the child will remain in foster care until majority.) Further, before application for SIJS, a judicial or administrative finding must be made that it is not in the child's best interest to return to his/her country or parents' country of origin or last habitual residence.

Application must be made to the INS on behalf of the child for the special status, appending the court's finding ("order") that the above factors were established. Typically, the agency supervising the child's foster care files the application to INS, or it can be made by another agency or an individual acting in the child's behalf. The INS, not the court, decides the SIJS application and under current law and regulations, may scrutinize any applications it deems questionable.

Total Pages: _____

LRM ID: IMS176

**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001**

Monday, October 20, 1997

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: James J. Jukes (for) Assistant Director for Legislative Reference *J. Jukes*

OMB CONTACT: Ingrid M. Schroeder *Ingrid M. Schroeder*
PHONE: (202)395-3883 FAX: (202)395-3109

SUBJECT: **JUSTICE** Amendment(s) on the definition of "special immigrant juvenile" in S. 1022 Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, FY 1998

DEADLINE: 2pm Tuesday, October 21, 1997

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. Please advise us if this item will affect direct spending or receipts for purposes of the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

COMMENTS: Attached is an INS proposed amendment to the section of S. 1022 that defines "special immigrant juvenile." The proposed conference document is attached for your reference.

DISTRIBUTION LIST**AGENCIES:**

52-HHS - Sondra S. Wallace - (202) 690-7760
114-STATE - Paul Rademacher - (202) 647-4463

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LRM ID: IMS176 SUBJECT: JUSTICE Amendment(s) on the definition of "special immigrant juvenile" in S. 1022 Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations, FY 1998

**RESPONSE TO
LEGISLATIVE REFERRAL
MEMORANDUM**

If your response to this request for views is short (e.g., concur/no comment), we prefer that you respond by e-mail or by faxing us this response sheet. If the response is short and you prefer to call, please call the branch-wide line shown below (NOT the analyst's line) to leave a message with a legislative assistant.

You may also respond by:

- (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); or
- (2) sending us a memo or letter

Please include the LRM number shown above, and the subject shown below.

TO: Ingrid M. Schroeder Phone: 395-3883 Fax: 395-3109
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-3454

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

The following is the reponse of our agency to your request for views on the above-captioned subject:

_____ **Concur**

_____ **No Objection**

_____ **No Comment**

_____ **See proposed edits on pages** _____

_____ **Other:** _____

_____ **FAX RETURN of** _____ **pages, attached to this response sheet**

INS Amendment

draft

HL 22675-0000 (Draft bill), which changes the definition of "special immigrant juvenile", contained in section 101(a)(27)(J) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1101(a)(27)(J), and amends section 245(h) of the INA, 8 U.S.C. § 1255(h). INS suggests striking the language from Line 16 on page 45 through Line 13 on page 47, and inserting in lieu thereof the following:

(J) an immigrant who is present in the United States (i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State and who has been deemed eligible by that court for long-term foster care due to abuse, neglect, or abandonment, (ii) in whose case the Attorney General expressly consents to the dependency order serving as a precondition to the grant of special immigrant juvenile status, and (iii) for whom it has been determined in administrative or judicial proceedings, following the receipt of such consent from the Attorney General, that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; Provided that, no juvenile court has jurisdiction to determine the custody status or placement of an alien in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction, and no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; or

EXPLANATION

This amendment is designed to address several problems encountered in

Implementation of the special immigrant juvenile provision. In order to limit the beneficiaries of this provision to those juveniles for whom it was created, namely abandoned, neglected, or abused children, the amendment requires the express consent of the Attorney General as a precondition for the dependency order to serve as the basis for the grant of special immigrant status under this paragraph of the Immigration and Nationality Act. In addition, in order to preclude state juvenile courts from issuing dependency orders for juveniles in actual or constructive (foster care) custody of the Immigration and Naturalization Service, the amendment removes jurisdiction from juvenile courts to consider the custody status or placement of such aliens who are in the actual or constructive custody of the Attorney General unless the Attorney General specifically consents to such jurisdiction. The consent requirement in subparagraph (ii) relates only to the possibility for a juvenile's court's order to serve as the basis for granting special immigrant status to the juvenile alien; the Attorney General's consent is not required for the court to enter any other appropriate protective order--e.g., to address immediate risks of violence or other abuse.

[COMMITTEE PRINT]

NOTICE: This bill is a draft for use of the Committee and its Staff only, in preparation for markup.

Calendar No.**105TH CONGRESS
1ST SESSION****S. 0000****[Report No. 105-]**~~HR 2267~~
S. 1022

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES**JULY 00 (legislative day, JULY 00), 1997**

Mr. GREGG, from the Committee on Appropriations, reported the following original bill, which was read twice and placed on the calendar

A BILL

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1998, 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.*

45

1 (c) REPEAL.—Section 113 of the Departments of
 2 Commerce, Justice, and State, the Judiciary, and Related
 3 Agencies Appropriations Act, 1993 (8 U.S.C. 1440 note),
 4 is repealed.

5 (d) EFFECTIVE DATE; TERMINATION DATE.—

6 (1) APPLICATION TO PENDING APPLICA-
 7 TIONS.—The amendments made by subsection (b)
 8 shall apply to applications filed before February 3,
 9 1995.

10 (2) TERMINATION DATE.—~~The authority pro-~~
 11 ~~vided by the amendments made by subsection (b)~~
 12 ~~shall expire February 3, 2001.~~

13 SEC. 113. (a) Section 101(a)(27)(J) of the Immigra-
 14 tion and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is
 15 amended to read as follows:

16 "(J) an immigrant—

17 "(i) who is present in the United
 18 States without having been admitted or pa-
 19 roled, or who has been paroled into the
 20 United States by ~~the Attorney General~~ General spe-
 21 cially for the purpose of obtaining spe-
 22 cial immigrant status pursuant to this sub-
 23 paragraph;

24 "(ii) who has been declared depend-
 25 ent on a juvenile court located in the Unit-

SPECIAL
IMMIGRANT
JUVENILE

1 ed States if the dependency order is issued
2 pursuant to a request made on behalf of
3 the alien, the court notifies the Attorney
4 General of the request for the order, and
5 the Attorney General expressly consents to
6 the court hearing the request; or

7 "(II) whom the juvenile court has le-
8 gally committed to, or placed under the
9 custody of, an agency or department of a
10 State and who has been deemed eligible by
11 that court for long-term foster care, except
12 that while the alien is in the actual or con-
13 structive custody of the Attorney General,
14 the court shall have jurisdiction to deter-
15 mine the custody status of the alien only if
16 the Attorney General expressly consents to
17 that jurisdiction; and

18 "III for whom it has been determined
19 in administrative or judicial proceedings
20 that it would not be in the alien's best in-
21 terest to be returned to the alien's or par-
22 ent's previous country of nationality or
23 country of last habitual residence; except
24 that no natural parent or prior adoptive
25 parent of any alien provided special immi-

47

1 grant status under this subparagraph shall
2 thereafter, by virtue of such parentage, be
3 accorded any right, privilege, or status
4 under this Act."

5 (b) ADJUSTMENT OF STATUS.—Section 245(h) of the
6 Immigration and Nationality Act (8 U.S.C. 1255(h)) is
7 amended by striking the period at the end and inserting
8 the following: ", unless the alien was paroled into the
9 United States by the Attorney General specifically in order
10 to apply for such special immigrant status. Nothing in this
11 subsection or section 101(a)(27)(J) shall be construed to
12 require the Attorney General to parole into the United
13 States any alien specifically for this purpose."

14 SEC. 114. (a) Section 1402 of the Victims of Crime
15 Act of 1984, (42 U.S.C. 10601), is amended in subsection
16 (d) by—

17 (1) replacing "judicial branch administrative
18 costs, grant program percentages" in the heading
19 with "grant programs";

20 (2) striking paragraph (1);

21 (3) replacing "the next" in paragraph (2) with
22 "The first", and

23 (4) redesignating paragraphs (2) through (4) as
24 paragraphs (1) through (3), respectively.

PRESIDENT CLINTON ANNOUNCES A SERIES OF NEW EFFORTS TO ENROLL UNINSURED CHILDREN IN HEALTH INSURANCE PROGRAMS

February 18, 1998

Today, the President is announcing the first major state coverage expansions under the recently enacted Children's Health Insurance Program (CHIP) and released information showing that many States will soon follow. He also unveiled an unprecedented set of public/private initiatives designed to enroll the millions of uninsured children who are eligible but not enrolled in Medicaid and other state-based children's health programs. These initiatives have been designed in partnership with Governors, health care providers, children's health advocates, foundations, businesses and many others who are committed to providing health care coverage for the nation's uninsured children.

Over 10 million children in America are uninsured. Nearly 90 percent of these children have parents who work, but do not have access to or cannot afford health insurance. Over 3 million of these uninsured children are already eligible for Medicaid. However, many families are not aware that their children are eligible for Medicaid, and others have difficulty filling out the application. Similar problems could undermine the new Children's Health Insurance Program's goal to enroll millions of uninsured children. With these challenges in mind, the President:

- ✓ **ANNOUNCED THAT COLORADO AND SOUTH CAROLINA HAVE JOINED ALABAMA AS THE FIRST COVERAGE EXPANSIONS UNDER THE NEW CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP).** Today, the President is announcing that Colorado and South Carolina join Alabama as the first states to come into the children's health program. In late January, Alabama received approval to expand its Medicaid program to children ages 14 to 18 up to 100 percent of poverty. South Carolina will expand its Medicaid program to provide coverage to all children up to 150 percent of poverty. And, Colorado builds upon its current non-Medicaid program to cover children up to 185 percent of poverty. The President is also announcing that many more States are well on their way to expanding coverage to more uninsured children. Currently, 14 additional states have submitted plans to HHS for approval, and nearly 30 States are actively planning new ways to address the needs of uninsured children.
- ✓ **RELEASED A NEW PRESIDENTIAL DIRECTIVE TO LAUNCH A GOVERNMENT-WIDE EFFORT TO ENROLL UNINSURED CHILDREN.** In an executive memorandum to eight Federal agencies with jurisdiction over children's programs — the Departments of Agriculture, Interior, Education, HHS, HUD, Interior, Labor, and Treasury and the Social Security Administration -- the President is directing the establishment of a multi-agency effort to enroll uninsured children. These agencies run programs such as WIC, Food Stamps, Head Start, and public housing that cover many of the same children who are uninsured and eligible for Medicaid or other health insurance. The memorandum instructs these agencies: (1) to identify all their employees and grantees who might come into contact with these children and ensure that these individuals are aware of the health insurance programs available to children; (2) to develop an intensive children's outreach initiative, such as distributing information, coordinating toll-free numbers, and simplifying and coordinating application forms; and (3) to report back in 90 days on their plan to help enroll uninsured children.

- ✓ **HIGHLIGHTED BUDGET PROPOSALS THAT PROVIDE MEDICAID ENROLLMENT INCENTIVES TO STATES.** The President's FY 1999 budget invests \$900 million over 5 years in children's health outreach policies, including the use of schools and child care centers to enroll children in Medicaid. The budget provides states with the option of automatically enrolling children in Medicaid even before having received all of the complicated eligibility and enrollment forms (a provision known as "presumptive eligibility"). It also expands the use of a Federally-financed administrative fund so that it can underwrite the costs for all uninsured children — not just the limited population allowed under current law.
- ✓ **ANNOUNCED A HISTORIC PRIVATE SECTOR COMMITMENT TO PROVIDE OUTREACH.** To complement the public outreach effort, the President is announcing unprecedented new contributions from the private sector to help ensure that all children who are eligible for health insurance receive it, including:
 - **A new toll-free number that directs families around the nation to their state enrollment centers.** The President is announcing that Bell Atlantic will establish and operate a toll-free number to help states enroll uninsured children. The number, which will be put in place during the upcoming months, will be developed in cooperation with the nation's Governors. This will help millions of families around the nation by directing them automatically to their local state Medicaid enrollment agency.
 - **Over \$23 million in commitments from private foundations across the country.** The Robert Wood Johnson Foundation will spend \$13 million over the next 3 years to fund innovative state-local coalitions to design and conduct outreach initiatives, simplify enrollment processes, and coordinate existing coverage programs. The Kaiser Family Foundation will spend up to \$10 million over the next 5 years on studies to help understand why eligible children do not enroll in existing programs and how best to provide insurance coverage for these children. America's Promise, with support from the Robert Wood Johnson Foundation and in collaboration with the American Academy of Pediatrics, will mobilize corporations such as SmithKline Beecham and Schering Plough and local communities nationwide in children's health outreach efforts.
 - **New initiatives from corporate and advocacy organizations to reach out to uninsured children.** Pampers has volunteered to include a letter in its child birth education packages, given to 90 percent of first-time mothers, providing families information about available health insurance options. Grocery stores and chain drug stores across the country will provide information about the new Bell Atlantic toll-free number to their customers. The National Education Association is launching an unprecedented effort to educate teachers on how they can inform children and their families about health insurance, through national newsletters, conferences, and special training sessions. The American Hospital Association's Campaign for Coverage will increase its nationwide initiative to engage hospitals in helping uninsured Americans, including children.
- ✓ **ISSUED A CHALLENGE ACROSS AMERICA TO FIND NEW WAYS TO REACH OUT TO UNINSURED CHILDREN.** The President is challenging every physician, nurse, health care provider, business, school, parent, grandparent, and community across the nation, to find new ways to ensure that uninsured children eligible for health insurance are enrolled in Medicaid or CHIP. This national commitment should not stop until every eligible child across the country is enrolled in one of the existing health care programs.