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cc:

Subject: LRM KCT103 - - STATE Qs and As on HR 2909 Intercountry Adoption Convention Implementation Act

i need to hear from DPC on this. thanks

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From: Karen N. Blank on 05/15/2000 05:27:12 PM

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cc: James J. Jukes/OMB/EOP@EOP, Ingrid M. Schroeder/OMB/EOP@EOP

Subject: LRM KCT103 - - STATE Qs and As on HR 2909 Intercountry Adoption Convention Implementation Act

Comments due by 4PM, Wednesday, May 17.



Adoption Q's and A's 405_.doc

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LRM ID: KCT103

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

Monday, May 15, 2000

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution below

FROM: Ingrid M. Schroeder (for) Assistant Director for Legislative Reference

OMB CONTACT: Karen N. Blank

PHONE: (202)395-7363 FAX: (202)395-6148

SUBJECT: STATE Qs and As on HR 2909 Intercountry Adoption Convention Implementation Act

DEADLINE: 4 p.m. Wednesday, May 17, 2000

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: These State Qs and As will be submitted for the record for an October 20, 1999 hearing before a House International Relations subcommittee. The Qs and As discuss delays from new

certifications regarding international adoptions, the ability for the United States to investigate fraud in adoptions, and the new fee collection provisions.

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Ingrid M. Schroeder

SUBJECT: STATE Qs and As on HR 2909 Intercountry Adoption Convention

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.

(2) sending us a memo or letter

TO: Karen N. Blank Phone: 395-7363 Fax: 395-6148
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant): 395-7362

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Question for the Record submitted to
Assistant Secretary for Consular Affairs_Mary A. Ryan
International Relations Committee
October 20, 1999

Question:

Delays caused by the Convention: Under this legislation, the Department will have to issue new certifications regarding international adoptions. Some parents are concerned that this will slow down the process just when their family is eager to return home. How do you see this working? Do you anticipate further delays?

Answer:

We do not foresee any delays in the adoption process caused by the new certifications the Department must issue. Under the Convention, a consular officer will review all the relevant information in each case and make a determination of eligibility **before** the adoption can go forward. In cases where no ineligibilities are found, the post will issue a "No Reason Found to Prohibit Visa Issuance" letter to the foreign Central Authority. Without this letter, the foreign Central Authority will not authorize an adoption. This will not be an additional step in the adoption process, but rather a reordering.

Currently, a consular officer must complete an I-604 investigation in every orphan case, at the time the I-600 Orphan Petition is filed overseas, regardless of whether the adoption has already taken place abroad or will take place in the US. The consular officer verifies that the parents have legally adopted or obtained legal custody of the child, focuses on the orphan status of the child, his/her medical condition, and any indications of fraud. If problems are uncovered, the visa cannot be issued until they are resolved. This can lead to considerable delays while further investigation takes place. In some cases the child will be found ineligible to receive a

visa, leaving the adoptive parents legally responsible for a child they cannot bring into the United States. The Convention will prevent this unfortunate situation from happening, since any ineligibilities should be uncovered before the adoption/guardianship occurs.

Question for the Record submitted to
Assistant Secretary for Consular Affairs Mary A. Ryan
International Relations Committee
October 20, 1999

Question:

Fraud: Some adoptive families have raised the question of whether changes to the Immigration and Nationality Act and the Convention will limit the ability of the U.S. to investigate fraud in adoptions. Under the Convention and the legislation, will U.S. officials still be able to investigate whether there is fraud in adoptions, or would you completely depend on the Central Authority of the foreign country saying the adoption was proper?

Answer:

While the implementing legislation creates a category of adoptee not subject to the orphan definition of INA Section 101(b)(1)(F), the operation of the Convention will not limit the ability of U.S. consular officers to investigate fraud in adoption cases. In all Hague adoption cases, prior to the U.S. issuance of the "No Reason Found to Prohibit Visa Issuance" letter to the foreign Central Authority, a consular officer will review all the relevant information relating to a potential adoptee. If this review were to uncover evidence of fraud, a further investigation would be conducted. Depending on the outcome of the investigation, the "No Reason" letter would or would not be issued.

Question for the Record submitted to
Assistant Secretary for Consular Affairs Mary A. Ryan
International Relations Committee
October 20, 1999

Question:

Secretary Ryan, the new fee collection provisions in the bill, I know you have experience with the use of fees for consular services. There will be a lag between initiating the new office and collecting the fees. Will appropriated funds be used to do that? Do you have an estimate of start-up costs and what is included in that cost assessment? Do you have an estimate of the amount that will be collected in fees during the first year?

Answer:

The Administration planned that the proposed fee would only take effect when the Hague Intercountry Adoption Convention entered into force. Nevertheless, the services would begin immediately after the implementing legislation was passed. Therefore, the State Department will be faced with additional costs before we begin to collect the new fee. We will need to seek additional appropriated funds for expenses associated with start-up costs.

The proposed fee would go toward the costs of additional personnel; the development and implementation of a computerized case tracking system; new public outreach programs; preparation of new information materials; the drafting and promulgation of regulations; and the operation of new Central Authority functions required by the Convention. There may be additional services as well. Once we have a clearer idea of the scope of the program and the Department's role and that of HHS, we will be able to provide more accurate projections based on full cost recovery.