Congress of the United States
Washington, DC 20515

February 7, 2008

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable John A. Boehner
Minority Leader
United States House of Representatives
Washington, DC 20515

The Honorable John D. Dingell
Chairman
Committee on Energy & Commerce
United States House of Representatives
Washington, DC 20515

The Honorable Joe Barton
Ranking Member
Committee on Energy & Commerce
United States House of Representatives
Washington, DC 20515

Dear Speaker Pelosi, Republican Leader Boehner, Chairman Dingell and Ranking Member Barton:

We urge you to address the Centers for Medicare and Medicaid Services (CMS) directive, issued on August 17, 2007, that would drastically reduce the number of children eligible for the State Children's Health Insurance Program (SCHIP) in twenty-two states and the District of Columbia.

CMS mandated that at least 95 percent of those SCHIP-eligible children under 200 percent of the federal poverty line (FPL) be enrolled in SCHIP before states can enroll children above 250 percent of the FPL. No state currently meets this mandate, and experts agree that this new requirement is practically impossible to achieve. This directive affects states that have long provided health care for children above the 250 percent of the FPL, and states that plan to do so in the future.

Last month, Congress passed the SCHIP extension without addressing this CMS directive. Unless Congress takes action, states will be forced to comply by August of this year and thousands of children will be left without access to health care. We ask that swift action be taken to address this looming crisis for the SCHIP program.

On January 23, 2008, the House of Representatives again voted in an attempt to override the President's veto of SCHIP legislation. Had this vote been successful, this CMS directive would have been addressed and children's access to care maintained. Now, Congress will need to take quick action to prevent this directive from taking a devastating toll on the SCHIP program.

With your leadership, we can help ensure that millions of children across the country who are already eligible for coverage would continue to be insured. We urge you to address the CMS directive and let states decide how to determine children's SCHIP eligibility—and to keep children healthy and insured.

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Sincerely,

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Christopher P. Carney

Patrick C. Kennedy

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