

TABLE

[Allotments for State Emergency Health Services Furnished to Undocumented Aliens Under Section 4723 of the Balanced Budget Act of 1997: Federal Fiscal Years 1998 through 2001]

Ranking	State	Population ¹	Percent of Population	Allotment
1	California	2,000,000	45.34	\$11,335,298
2	Texas	700,000	15.87	3,967,354
3	New York	540,000	12.24	3,060,530
4	Florida	350,000	7.93	1,983,677
5	Illinois	290,000	6.57	1,643,618
6	New Jersey	135,000	3.06	765,133
7	Arizona	115,000	2.61	651,780
8	Massachusetts	85,000	1.93	481,750
9	Virginia	55,000	1.25	311,721
10	Washington	52,000	1.18	294,718
11	Colorado	45,000	1.02	255,044
12	Maryland	44,000	1.00	249,377
Total	4,411,000	100.00	25,000,000

¹ Source: INS, Statistics Branch, Demographic Statistics Section Estimated Resident Undocumented Population by State October, 1996.

The following example illustrates the calculation of California's allotment:

Example: California, the leading State of alien residence, has an estimated population of 2.0 million undocumented aliens. This figure represents 45 percent of the total undocumented alien population of 4,411,000. Since California has 45 percent of all undocumented aliens among the 12 eligible States, it is entitled to funds equal to 45 percent of the total funds available for that fiscal year (that is, 45 percent of \$25,000,000). Thus California's total allotment is \$11,335,298 for Federal fiscal year 1998.

III. Regulatory Impact Statement

We have examined the impacts of this notice as required by Executive Order 12866 and the Regulatory Flexibility Act (RFA) (Pub. L. 96-354). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects; distributive impacts; and equity). The RFA requires agencies to analyze options for regulatory relief for small businesses. For purposes of the RFA, States and individuals are not considered to be small entities.

This notice implements the recently enacted provision of the Balanced Budget Act of 1997 that provides additional funding to certain States furnishing emergency health services to undocumented aliens for fiscal years 1998 through 2001. During each of the four fiscal years, \$25 million is available to distribute among the 12 States having the highest number of undocumented aliens residing in their State. As specified in the law, we have used estimates of the undocumented alien

population per State, prepared by the Statistics Division of the INS to determine the 12 highest States and to calculate the allotment each of the 12 States will receive. Any portion of the allotment that is not distributed to a State during the fiscal year will be available for that State the following fiscal year. These States will continue at the usual rate of reimbursement once allotments have been exhausted.

This notice is expected to have a positive impact on States by providing additional payment to those 12 States determined to have the greatest number of undocumented aliens residing in the State. This funding will allow States to extend the emergency health services to a greater number of those undocumented aliens meeting the required criteria and providing some advantage over those States that are not entitled to these allotments.

Also, section 1102(b) of the Social Security Act requires us to prepare a regulatory impact analysis for any notice that may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 50 beds.

We are not preparing analyses for either the RFA or section 1102(b) of the Act because we have determined and certify that this notice will not have a significant economic impact on a substantial number of small entities or a significant impact on the operations of a substantial number of small rural hospitals.

In accordance with the provisions of Executive Order 12866, this notice was reviewed by the Office of Management and Budget.

Authority: Sections 1902(a)(62) and 1903(v) of the Social Security Act (42 U.S.C. 1396a(62) and 1396b(v)) and Section 4723 of Public Law 105-33.

Dated: January 26, 1998.

Nancy-Ann Min DeParle,
Administrator, Health Care Financing
Administration.

Dated: February 3, 1998.

Donna E. Shalala,
Secretary.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Vaccine Injury Compensation Program; List of Petitions Received

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute

with responsibility for considering and acting upon the petitions.

FOR FURTHER INFORMATION CONTACT: For information about requirements for filing petitions, and the Program generally, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW, Washington, DC. 20005, (202) 219-9657. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8A35, Rockville, MD 20857, (301) 443-6593.

SUPPLEMENTARY INFORMATION: The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated her responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on October 8, 1997, through December 23, 1997.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to

submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading "For Further Information Contact"), with a copy to HRSA addressed to Director, Bureau of Health Professions, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

List of Petitions

1. Jacqueline R. Labrie, Sarasota, Florida, Court of Federal Claims Number 97-0681V
2. Daniel Kevin O'Connell, San Diego, California, Court of Federal Claims Number 97-0682V
3. Kimberly M. Lagrand on behalf of Hayley Nicole Lagrand, Deceased, Charleston, South Carolina, Court of Federal Claims Number 97-0692V
4. Elizabeth and Robert Wojciechowski on behalf of Jonah Wojciechowski, Deceased, Glendale, Arizona, Court of Federal Claims Number 97-0696V
5. Constance Miranda on behalf of Anthony Mirando, Flushing, New York, Court of Federal Claims Number 97-0697V

6. Robin and Bobby Gerjes on behalf of Brandon Gerjes, Deceased, Edna, Texas, Court of Federal Claims Number 97-0698V
7. Chinyere Pat and Charles Ononibaku on behalf of Emmanuel Ononibaku, Amherst, Massachusetts, Court of Federal Claims Number 97-0715V
8. Mona and David A. Robinson on behalf of Mary A. Robinson, Frankfort, Kentucky, Court of Federal Claims Number 97-0729V
9. Krystal K. Dickey on behalf of Gina M. Dickey, Morrison, Illinois, Court of Federal Claims Number 97-0730V
10. Wendy and Andy Ellis on behalf of Andie Jo Ellis, Deceased, Salt Lake City, Utah, Court of Federal Claims Number 97-0738V
11. Anita Blocker Hammond on behalf of Ajee Hammond, Philadelphia, Pennsylvania, Court of Federal Claims Number 97-0745V
12. Marcy Nirschel on behalf of Michael Nirschel, Stamford, Connecticut, Court of Federal Claims Number 97-0748V
13. Nancy and Christopher Smith on behalf of Hillary Smith, Vero Beach, Florida, Court of Federal Claims Number 97-0752V
14. Jeannie and Robert Griffin on behalf of Elizabeth Griffin, Mill Creek, Washington, Court of Federal Claims Number 97-0753V
15. Deborah Burke on behalf of Emilee Burke, Norfolk, Virginia, Court of Federal Claims Number 97-0763V
16. Holly A. Butler on behalf of Eian Thomas Butler, Dayton, Ohio, Court of Federal Claims Number 97-0764V
17. Kimberly Justice on behalf of Joshua Allen Justice, Harriman, Tennessee, Court of Federal Claims Number 97-0765V
18. Shona Monique Baker on behalf of Sean Ray Baker, Deceased, Philadelphia, Pennsylvania, Court of Federal Claims Number 97-0796V
19. Karen Dobak on behalf of Corey Dobak, Cambridge, Massachusetts, Court of Federal Claims Number 97-0797V
20. Delores and Paul Saunders on behalf of Scott Saunders, Richmond, Virginia, Court of Federal Claims Number 97-0808V
21. Michelle Reed, Dayton, Ohio, Court of Federal Claims Number 97-0809V
22. Lacey and Mark Charlesworth on behalf of Jonathan Charlesworth, Provo, Utah, Court of Federal Claims Number 97-0814V
23. Robert Kolvoord and Holly Haney on behalf of Zachary Kolvoord, Harrisonburg, Virginia, Court of Federal Claims Number 97-0818V
24. Margaret and John Wallace on behalf of Amiee Rose Wallace, Allentown, Pennsylvania, Court of Federal Claims Number 97-0836V
25. Tera Jo Webb, Mesa, Arizona, Court of Federal Claims Number 97-0852V
26. Tammy Zimmer on behalf of Kyle Zimmer, Warren, Michigan, Court of Federal Claims Number 97-0861V.

Dated: February 25, 1998.

Claude Earl Fox,

Acting Administrator.

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