

108TH CONGRESS
1ST SESSION

H. R. 3284

To improve the health of residents of, and the environment in, the United States-Mexico border area.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2003

Mr. REYES (for himself, Mr. FILNER, Mr. HINOJOSA, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. BACA, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the health of residents of, and the environment in, the United States-Mexico border area.

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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Border Economic Recovery Act for Health and the Envi-
6 ronment”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title and table of contents.
 Sec. 2. Definitions.

TITLE I—HEALTH RECOVERY

Sec. 101. United States-Mexico Border Health Commission Act.
 Sec. 102. Funding for emergency health services furnished to undocumented
 aliens.
 Sec. 103. Partnership for change program to coordinate WIC and other food
 and nutrition assistance in colonias.
 Sec. 104. Water and waste disposal program for colonias.
 Sec. 105. Community resource centers for colonias.
 Sec. 106. Border activities regarding tuberculosis.
 Sec. 107. Health education training center program.
 Sec. 108. Prevention of substance abuse; Border Center for Application of Pre-
 vention Technologies.
 Sec. 109. Border cancer screenings; State cancer registries.
 Sec. 110. Expansion of collaborative United States and Mexico border diabetes
 prevention and control project.
 Sec. 111. Healthy Homes Initiative of HUD Office of Lead Hazard Control.
 Sec. 112. Border program for reducing incidence of sexually transmitted dis-
 eases.

TITLE II—ENVIRONMENTAL RECOVERY

Sec. 201. Materials Corridor Initiative.
 Sec. 202. Southwest Center for Environmental Research and Policy.
 Sec. 203. International Boundary and Water Commission border sanitation
 projects.
 Sec. 204. International Boundary and Water Commission long-range strategic
 planning.
 Sec. 205. North American Commission for Environmental Cooperation.
 Sec. 206. Water conservation grants.
 Sec. 207. International Consortium for the Environment.
 Sec. 208. Border Economic Cooperation Commission.
 Sec. 209. Environmental Protection Agency Border Environmental Infrastruc-
 ture Fund.

3 **SEC. 2. DEFINITIONS.**

4 For purposes of this Act:

5 (1) COLONIA.—The term “colonia” means an
 6 community that has the following characteristics:

7 (A) The community is identifiable as a sin-
 8 gle community.

1 (B) The community is unincorporated.

2 (C) The community is located in the
3 United States-Mexico border area.

4 (D) The community is subject on a wide-
5 spread basis to any 2 or more of the following
6 problems:

7 (i) Inadequate water or sewer facili-
8 ties.

9 (ii) Inadequate roads and drainage.

10 (iii) Substandard housing.

11 (2) UNITED STATES-MEXICO BORDER AREA.—

12 The term “United States-Mexico border area”
13 means the area located in the United States within
14 100 kilometers of the border between the United
15 States and Mexico.

16 **TITLE I—HEALTH RECOVERY**

17 **SEC. 101. UNITED STATES-MEXICO BORDER HEALTH COM- 18 MISSION ACT.**

19 The United States-Mexico Border Health Commis-
20 sion Act (Public Law 103–400) is amended by adding at
21 the end the following:

22 **“SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

23 “(a) IN GENERAL.—There are authorized to be ap-
24 propriated to carry out this Act \$8,000,0000 for fiscal
25 year 2004, \$10,000,000 for fiscal year 2005, \$12,000,000

1 for fiscal year 2006, and such sums as may be necessary
 2 for each subsequent fiscal year.

3 “(b) AVAILABILITY.—Amounts appropriated pursu-
 4 ant to the authorization of appropriations under sub-
 5 section (a) are authorized to remain available until ex-
 6 pended.”.

7 **SEC. 102. FUNDING FOR EMERGENCY HEALTH SERVICES**
 8 **FURNISHED TO UNDOCUMENTED ALIENS.**

9 (a) REQUIRING USE OF FUNDS TO ASSIST HOS-
 10 PITALS AND RELATED PROVIDERS OF EMERGENCY
 11 HEALTH SERVICES TO UNDOCUMENTED ALIENS.—Sec-
 12 tion 4723(c) of the Balanced Budget Act of 1997 (8
 13 U.S.C. 1611 note) is amended to read as follows:

14 “(c) USE OF FUNDS.—

15 “(1) IN GENERAL.—From the allotments made
 16 under subsection (b), the Secretary shall pay to each
 17 State amounts described in a State plan, submitted
 18 to the Secretary, under which the amounts so allot-
 19 ted will be paid—

20 “(A) to hospitals and related providers of
 21 emergency health services to undocumented
 22 aliens that are located in the United States-
 23 Mexico border area (as defined in section 2 of
 24 the Border Economic Recovery Act for Health
 25 and the Environment); and

1 “(B) in a manner that takes into ac-
2 count—

3 “(i) each eligible hospital’s or related
4 provider’s payments under the State plan
5 approved under title XIX of the Social Se-
6 curity Act for emergency medical services
7 described in section 1903(v)(2)(A) of such
8 Act (42 U.S.C. 1396b(v)(2)(A)); or

9 “(ii) an appropriate alternative proxy
10 for measuring the volume of emergency
11 health services provided to undocumented
12 aliens by eligible hospitals and related pro-
13 viders.

14 “(2) DEFINITIONS; SPECIAL RULES.—For pur-
15 poses of this subsection:

16 “(A) The term ‘hospital’ has the meaning
17 given such term in section 1861(e) of the Social
18 Security Act (42 U.S.C. 1395x(e)).

19 “(B) The term ‘provider’ includes a physi-
20 cian, another health care professional, and an
21 entity that furnishes emergency ambulance
22 services.

23 “(C) A provider shall be considered to be
24 ‘related’ to a hospital to the extent that the
25 provider furnishes emergency health services to

1 an individual for whom the hospital also fur-
 2 nishes emergency health services.

3 “(D) Amounts paid under this subsection
 4 shall not duplicate payment made under title
 5 XIX of the Social Security Act for the provision
 6 of emergency medical services described in sec-
 7 tion 1903(v)(2)(A) of such Act.”.

8 (b) EXTENSION OF FUNDING.—

9 (1) IN GENERAL.—Section 4723(a) of such Act
 10 is amended to read as follows:

11 “(a) TOTAL AMOUNT AVAILABLE FOR ALLOT-
 12 MENT.—There are available for allotments under this sec-
 13 tion, for each of the 5 consecutive fiscal years beginning
 14 with fiscal year 2004, \$750,000,000 for payments to cer-
 15 tain States under this section.”.

16 (2) CONFORMING AMENDMENT.—Section
 17 4723(b)(1) of such Act is amended by inserting
 18 “and for each fiscal year described in subsection
 19 (a)” after “fiscal year 2001”.

20 **SEC. 103. PARTNERSHIP FOR CHANGE PROGRAM TO CO-**
 21 **ORDINATE WIC AND OTHER FOOD AND NU-**
 22 **TRITION ASSISTANCE IN COLONIAS.**

23 Section 17 of the Child Nutrition Act of 1966 (42
 24 U.S.C. 1786) is amended by adding at the end the fol-
 25 lowing:

1 “(s)(1) Utilizing Partnerships for Change, which
2 shall consist of a team comprised of Federal, State and
3 university staff committed to helping improve nutrition,
4 health and living conditions in the colonias, the Secretary
5 shall provide for increased coordination of the provision
6 of supplemental foods and nutrition education under the
7 program, including other appropriate food and nutrition
8 assistance provided under this Act and the Richard B.
9 Russell National School Lunch Act, for individuals who
10 reside in colonias located, in whole or in part, in the
11 United States-Mexico border area.

12 “(2) For purposes of this subsection, the terms
13 ‘colonia’ and ‘United States-Mexico border area’ shall have
14 the meanings given such terms in section 2 of the Border
15 Economic Recovery Act for Health and the Environment.

16 “(3) There are authorized to be appropriated to carry
17 out this subsection \$5,000,000 for fiscal year 2004 and
18 for each of the succeeding 4 fiscal years.”.

19 **SEC. 104. WATER AND WASTE DISPOSAL PROGRAM FOR**
20 **COLONIAS.**

21 Section 306C(e)(1) of the Consolidated Farm and
22 Rural Development Act (7 U.S.C. 1926c(e)(1)) is amend-
23 ed in each of subparagraphs (A) and (B) by striking
24 “\$30,000,000” and inserting “\$60,000,000”.

1 **SEC. 105. COMMUNITY RESOURCE CENTERS FOR**
2 **COLONIAS.**

3 (a) **AUTHORITY.**—The Secretary of Housing and
4 Urban Development may make grants to colleges and uni-
5 versities selected under subsection (b) to provide commu-
6 nity resource centers to serve colonias and their residents.

7 (b) **GRANTS.**—For each of the States of Arizona,
8 California, and New Mexico, the Secretary of Housing and
9 Urban Development shall select one college or university
10 located in such State to receive grants under this section.
11 For the State of Texas, the Secretary shall select the Cen-
12 ter for Housing and Urban Development of the College
13 of Architecture at Texas A&M University and one other
14 State university located in such State in the United
15 States-Mexico border area to receive grants under this sec-
16 tion.

17 (c) **USE OF GRANT AMOUNTS.**—Grant amounts pro-
18 vided under this section may only be used by the college
19 or university receiving the grant to carry out a program
20 to develop and operate multiple community resources cen-
21 ters in the State in which such college or university is lo-
22 cated, which shall include—

23 (1) costs of developing and operating such cen-
24 ters;

25 (2) increasing the capacity of the college or uni-
26 versity to develop such centers; and

1 (3) in the case of amounts received by the Cen-
2 ter for Housing and Urban Development referred to
3 in subsection (b), carrying out any agreement en-
4 tered into under subsection (e).

5 (d) COMMUNITY RESOURCE CENTERS.—Each com-
6 munity resource center established or operated using
7 grant amounts made available under this section shall be
8 located within a colonia and shall provide residents of the
9 colonia with access to public and private resources and
10 services appropriate for self- and community development,
11 such as resources relating to health care, employment
12 training and assistance, human services, and youth and
13 elderly programs.

14 (e) MODEL PROGRAM.—The Secretary shall attempt
15 to enter into an agreement with the Center for Housing
16 and Urban Development referred to in subsection (b) that
17 provides for such Center—

18 (1) to assist other colleges and universities re-
19 ceiving grants under this section to carry out pro-
20 grams to develop and operate community resource
21 centers that are similar to the Colonias Program
22 carried out by such Center; and

23 (2) to assist the Secretary in carrying out the
24 grant program under this section, including by es-

1 tablishing criteria for selecting colleges and univer-
 2 sities to receive such grants.

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
 4 authorized to be appropriated for grants under this section
 5 \$25,000,000 for each of fiscal years 2004, 2005, 2006,
 6 2007, 2008, and 2009.

7 **SEC. 106. BORDER ACTIVITIES REGARDING TUBERCULOSIS.**

8 Section 317E(g)(1) of the Public Health Service Act
 9 (42 U.S.C. 247b–6(g)(1)) is amended by adding at the
 10 end the following subparagraph:

11 “(C) UNITED STATES-MEXICO BORDER
 12 AREA.—Of the amounts appropriated under
 13 subparagraph (A) for a fiscal year, the Sec-
 14 retary shall reserve not less than \$25,000,000
 15 for grants under subsection (a) for the preven-
 16 tion, control, and elimination of tuberculosis in
 17 the United States-Mexico border area (as such
 18 term is defined in section 2 of the Border Eco-
 19 nomic Recovery Act for Health and the Envi-
 20 ronment).”.

21 **SEC. 107. HEALTH EDUCATION TRAINING CENTER PRO-**
 22 **GRAM.**

23 Section 757 of the Public Health Service Act (42
 24 U.S.C. 294g) is amended—

25 (1) in subsection (a)—

1 (A) by striking “and” after “1998,”; and

2 (B) by inserting before the period the fol-
3 lowing: “, \$68,996,000 for fiscal year 2004,
4 and such sums as may be necessary for each of
5 the fiscal years 2005 through 2008”; and

6 (2) in subsection (b)(1)(B), by striking “not
7 less” and all that follows through “752,” and insert-
8 ing the following: “not less than \$8,800,000 for
9 awards of grants and contracts under section 752,”.

10 **SEC. 108. PREVENTION OF SUBSTANCE ABUSE; BORDER**
11 **CENTER FOR APPLICATION OF PREVENTION**
12 **TECHNOLOGIES.**

13 For the purpose of carrying out the program operated
14 by the Center for Substance Abuse Prevention, Substance
15 Abuse and Mental Health Services Administration, and
16 known as the Border Center for the Application of Preven-
17 tion Technologies (relating to an initiative for youth sub-
18 stance-abuse prevention in the United States-Mexico bor-
19 der area), there are authorized to be appropriated
20 \$1,500,000 for fiscal year 2004, and such sums as may
21 be necessary for each of the fiscal years 2005 through
22 2008. Such authorization is in addition to other authoriza-
23 tions of appropriations that are available for such purpose.

1 **SEC. 109. BORDER CANCER SCREENINGS; STATE CANCER**
2 **REGISTRIES.**

3 (a) IN GENERAL.—The Secretary of Health and
4 Human Services, acting through the Director of the Cen-
5 ters for Disease Control and Prevention, may make
6 awards of grants and cooperative agreements to public and
7 nonprofit private entities—

8 (1) to conduct screenings for cancer in the
9 United States-Mexico border area; and

10 (2) with respect to cases of cancer diagnosed
11 pursuant to paragraph (1), to report relevant infor-
12 mation to the appropriate State cancer registry
13 under section 399B of the Public Health Service
14 Act.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
16 purpose of carrying out subsection (a), there are author-
17 ized to be appropriated \$5,000,000 for fiscal year 2004,
18 and such sums as may be necessary for each of the fiscal
19 years 2005 through 2008. Such authorization is in addi-
20 tion to other authorizations of appropriations that are
21 available for such purpose.

22 **SEC. 110. EXPANSION OF COLLABORATIVE UNITED STATES**
23 **AND MEXICO BORDER DIABETES PREVEN-**
24 **TION AND CONTROL PROJECT.**

25 (a) IN GENERAL.—The Secretary of Health and
26 Human Services, acting through the Director of the Cen-

1 ters for Disease Control and Prevention, may make
2 awards of grants and cooperative agreements to the Pan-
3 American Health Organization for the purpose of expand-
4 ing the study that is designated by such Centers as the
5 Collaborative U.S.-Mexico Border Diabetes Prevention
6 and Control Project and is being carried out in order to—

7 (1) determine the prevalence of diabetes in the
8 United States-Mexico border area; and

9 (2) develop binational prevention and control
10 programs regarding diabetes.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
12 purpose of carrying out subsection (a), there are author-
13 ized to be appropriated \$1,000,000 for fiscal year 2004,
14 and such sums as may be necessary for each of the fiscal
15 years 2005 through 2007. Such authorization is in addi-
16 tion to other authorizations of appropriations that are
17 available for such purpose.

18 **SEC. 111. HEALTHY HOMES INITIATIVE OF HUD OFFICE OF**
19 **LEAD HAZARD CONTROL.**

20 For carrying out the Healthy Homes Initiative of the
21 Department of Housing and Urban Development pursuant
22 to sections 501 and 502 of the Housing and Urban Devel-
23 opment Act of 1970, which shall include research, studies,
24 testing, and demonstration efforts, including education
25 and outreach concerning lead-based paint poisoning and

1 other housing-related environmental diseases and hazards,
2 there is authorized to be appropriated \$20,000,000 for fis-
3 cal year 2004. Of any amount appropriated under this sec-
4 tion, \$10,000,000 shall be used only for carrying out ac-
5 tivities under the Healthy Homes Initiative within the
6 United States-Mexico border area.

7 **SEC. 112. BORDER PROGRAM FOR REDUCING INCIDENCE**
8 **OF SEXUALLY TRANSMITTED DISEASES.**

9 (a) IN GENERAL.—The Secretary of Health and
10 Human Services, acting through the Director of the Cen-
11 ters for Disease Control and Prevention, may make
12 awards of grants and cooperative agreements to the U.S.-
13 Mexico Border Health Association for the purpose of sup-
14 porting community-based programs to reduce the inci-
15 dence of sexually transmitted diseases, including infection
16 with the human immunodeficiency virus, in the United
17 States-Mexico border area.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purpose of carrying out subsection (a), there are author-
20 ized to be appropriated \$10,000,000 for fiscal year 2004,
21 and such sums as may be necessary for each of the fiscal
22 years 2005 through 2007. Such authorization is in addi-
23 tion to other authorizations of appropriations that are
24 available for such purpose.

1 **TITLE II—ENVIRONMENTAL**
2 **RECOVERY**

3 **SEC. 201. MATERIALS CORRIDOR INITIATIVE.**

4 There are authorized to be appropriated to the Sec-
5 retary of Energy for carrying out the Materials Corridor
6 Partnership Initiative through the Materials Corridor
7 Council, headquartered at the University of Texas at El
8 Paso—

9 (1) \$7,000,000 for fiscal year 2004;

10 (2) \$9,000,000 for fiscal year 2005;

11 (3) \$10,000,000 for fiscal year 2006; and

12 (4) \$12,000,000 for fiscal year 2007;

13 **SEC. 202. SOUTHWEST CENTER FOR ENVIRONMENTAL RE-**
14 **SEARCH AND POLICY.**

15 In addition to other sums available to the Southwest
16 Center for Environmental Research and Policy there is au-
17 thorized to be appropriated to the Administrator of the
18 Environmental Protection Agency for each of the five fis-
19 cal years commencing after the enactment of this Act not
20 more than \$10,000,000.

21 **SEC. 203. INTERNATIONAL BOUNDARY AND WATER COM-**
22 **MISSION BORDER SANITATION PROJECTS.**

23 In addition to other sums available to the United
24 States section of the International Boundary and Water
25 Commission, United States and Mexico, there is author-

1 ized to be appropriated to the Secretary of State for fiscal
2 year 2004 \$60,000,000 to be used for the design, con-
3 struction, operation, and maintenance of environmental
4 infrastructure projects in the United States-Mexico border
5 area. Such projects shall be carried out by the Commission
6 in cooperation with the Border Environmental Coopera-
7 tion Commission and the North American Development
8 Bank.

9 **SEC. 204. INTERNATIONAL BOUNDARY AND WATER COM-**
10 **MISSION LONG-RANGE STRATEGIC PLAN-**
11 **NING.**

12 (a) IN GENERAL.—The Secretary of State, acting
13 through the United States section of the International
14 Boundary and Water Commission, in coordination with
15 local governments, shall prepare an international, long-
16 range strategic plan for water supply use and distribution
17 in the United States-Mexico border area.

18 (b) CONTENTS OF PLAN.—The plan shall identify
19 water quantity and quality issues of highest importance
20 in the United States-Mexico border area and shall be con-
21 ducted on a sub-basin level.

22 (c) OBJECTIVES IN DEVELOPMENT OF PLAN.—In de-
23 veloping the plan, the Secretary shall promote the sharing
24 of information and ideas among water management enti-
25 ties and seek collaboration with affected Federal, State,

1 local, tribal, and private entities in the United States and
2 Mexico. The plan shall provide for accomplishment of its
3 objectives in a manner that promotes sustainable develop-
4 ment and protects and preserves water resources.

5 (d) REPORT.—Not later than September 30, 2005,
6 the Secretary shall transmit the plan to Congress and to
7 other appropriate authorities in the United States and
8 Mexico.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$5,000,000 for fiscal year 2004.

12 **SEC. 205. NORTH AMERICAN COMMISSION FOR ENVIRON-**
13 **MENTAL COOPERATION.**

14 There is authorized to be appropriated \$300,000 for
15 fiscal year 2004 for the United States contribution to the
16 Commission for Environmental Cooperation established
17 under the North American Agreement on Environmental
18 Cooperation Between the Government of the United
19 States of America, the Government of Canada, and the
20 Government of the United Mexican States, of 1993.

21 **SEC. 206. WATER CONSERVATION GRANTS.**

22 (a) GRANTS AUTHORIZED.—The Administrator of
23 the Environmental Protection Agency may make grants
24 to counties and municipalities located in the United

1 States-Mexico border area for projects to develop innova-
2 tive programs to conserve water.

3 (b) COST SHARE.—The Federal share of the cost of
4 any project carried out with a grant under this section
5 shall not exceed 50 percent.

6 (c) AUTHORIZATION OF APPROPRIATIONS.—For
7 grants under this section there is authorized to be appro-
8 priated to the Administrator \$5,000,000 for each of fiscal
9 years 2004, 2005, 2006, 2007, and 2008.

10 **SEC. 207. INTERNATIONAL CONSORTIUM FOR THE ENVI-**
11 **RONMENT.**

12 In addition to other sums available to the Inter-
13 national Consortium for the Environment established at
14 Brooks Air Force Base there is authorized to be appro-
15 priated to the Secretary of Defense for fiscal years com-
16 mencing after the enactment of this Act not more than
17 \$5,000,000 to be used to expand the membership of, and
18 the scope of the work done by, such Consortium. The
19 funding provided under this section shall be used—

20 (1) to expand the membership of the Consor-
21 tium to include the Pan American Health Organiza-
22 tion, colleges and universities in the United States-
23 Mexico border area, the Border Health Association,
24 and the Border Health Commission, and

1 (2) to develop pilot projects to address environ-
2 mental and health concerns in the United States-
3 Mexico border area.

4 **SEC. 208. BORDER ECONOMIC COOPERATION COMMISSION.**

5 There is authorized to be appropriated to the Admin-
6 istrator of the Environmental Protection Agency
7 \$4,000,000 for fiscal year 2004 to be used for making
8 grants to the Border Environmental Cooperation Commis-
9 sion for the planning, design, and construction of environ-
10 mental infrastructure projects in the United States-Mexico
11 border area. Projects eligible for such grants shall include
12 water, wastewater treatment, solid waste sewage disposal,
13 air quality improvement, pollution cleanup, and mass tran-
14 sit projects.

15 **SEC. 209. ENVIRONMENTAL PROTECTION AGENCY BORDER**
16 **ENVIRONMENTAL INFRASTRUCTURE FUND.**

17 There is authorized to be appropriated to the Admin-
18 istrator of the Environmental Protection Agency
19 \$150,000,000 for fiscal year 2004 to be used for making
20 grants to communities for the planning, design, and con-
21 struction of high-priority environmental infrastructure
22 projects, including wastewater projects, in the United
23 States-Mexico border area. Such projects shall be carried
24 out in cooperation with the Border Environmental Co-
25 operation Commission and the North American Develop-

1 ment Bank through its Border Environmental Infrastruc-
2 ture Fund.

○