



**Legislative Bulletin.....October 16, 2002**

**Contents:**

- H.R. 2155**—Sober Borders Act
- H.J. Res. 123** - Making Further Continuing Appropriations for the Fiscal Year 2003
- S. 1533**—Health Care Safety Net Amendments of 2002

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**H.R. 2155—Sober Borders Act (Flake)**

**Order of Business:** The bill was considered on Tuesday, October 15<sup>th</sup>, under a motion to suspend the rules and pass the bill. A roll-call vote will take place on Wednesday, October 16<sup>th</sup>, after 2:00pm.

**Summary:** Beginning 180 days after enactment, H.R. 2155 would make it illegal to operate a motor vehicle with alcohol or an illegal drug in the body of the driver at a land border port of entry (i.e. at any immigration checkpoint operated by the Immigration and Naturalization Service at a land border between a U.S. state and a foreign country). In other words, it would be against the law for citizens and non-citizens to drive while intoxicated from alcohol or drugs into the U.S. from Mexico or Canada or out of the U.S. to Mexico or Canada. Agents of the INS would be authorized to administer a chemical or other test of the blood, breath, or urine of the suspected drunk/drugged driver and to then arrest such driver upon failing the test. [The bill clarifies that the arrest authority would not violate state laws.]

Within 180 days of this bill's enactment, the Attorney General would have to issue regulations authorizing an INS agent to impound the vehicles of suspected drunk/drugged drivers who refuse to submit to a chemical or other test under this legislation. Refusal to take such test and conviction under this legislation would trigger notification by the Attorney General to the U.S. state or foreign country that issued the offender's driver's license or in which the driver resides.

At every immigration checkpoint, the Attorney General would have to post a notice that operation of a motor vehicle with alcohol or an illegal drug in the body of the driver at such checkpoint is a federal offense.

**Additional Background:** For some background information from the bill's sponsor, please visit this website: <http://www.house.gov/burton/RSC/word/Flake10.doc>

**Cost to Taxpayers:** CBO estimates that implementing H.R. 2155 would have no significant cost to the federal government.

**Does the Bill Create New Federal Programs or Rules?:** The bill would create a new federal offense and new chemical-test and arrest authority for INS agents at border checkpoints.

**Constitutional Authority:** The Judiciary Committee, in House Report 107-754, cites constitutional authority in Article I, Section 8, Clause 4 (which grants Congress the power to “establish an uniform Rule of Naturalization”).

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### **H.J. Res. 123 - Making Further Continuing Appropriations for the Fiscal Year 2003 (Young (FL))**

**Order of Business:** The joint resolution is scheduled to be considered under a closed rule. (NOTE: the Rules Committee also reported out a rule permitting the same day consideration of another rule providing for consideration of a joint resolution making continuing appropriations.)

**Summary:** Extends the CR adopted last week until November 22, 2002.

**Cost to Taxpayers:** The CR would not cause spending to exceed the limits established in the House Budget Resolution.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

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### **S. 1533—Health Care Safety Net Amendments of 2002 (*Senator Kennedy*)**

**Order of Business:** The bill is scheduled to be considered on Wednesday, October 16<sup>th</sup>, under a motion to suspend the rules and pass the bill (pursuant to a unanimous consent request).

S. 1533 passed the Senate by unanimous consent on April 16, 2002. A version of S. 1533, H.R. 3450, passed the House of Representatives by voice vote under suspension of the rules on October 1, 2002.

**Summary (provisions different than House bill in red bold):** S. 1533 increases the authorization for community health centers from \$802 million in fiscal year 1997 to **\$1.34 billion** (House: \$1.3 billion) for fiscal year 2002 and such sums for fiscal years 2003 through 2006.

The bill changes the required primary health services offered at community health centers in current law from breast and cervical cancer to “appropriate cancer screening” and adds specialty referral when medically indicated and housing services (as part of general case management services). Behavioral health, mental health, and substance abuse services are added to the category of “additional health services.”

The bill authorizes grants to health centers to plan and develop management networks to reduce costs, improve access to services, enhance coordination of services, and improve the health status of communities. Grants can be used for such items as equipment and training.

S. 1533 also:

- Authorizes grants of **such sums** (House: \$10 million) for fiscal years 2002-2006 to improve telemedicine coordination among the states;
- Makes permanent a demonstration program for grants to expand delivery of health care services in rural areas, for the planning and implementation of integrated health care networks in rural areas, and for the planning and implementation of small health care provider quality improvement activities. Authorizes \$40 million for the program.
- Establishes the Office for the Advancement of Telehealth at the Health and Resources and Services Administration (HRSA) and establishes telehealth network and telehealth resource centers grant programs. For telehealth network grants, authorizes \$40 million for fiscal year 2002 and such sums through 2007. For telehealth resource centers grants, authorizes \$20 million for fiscal year 2002 and such sums through 2007.
- Creates a grant program to improve medical services in rural areas through recruitment or training of personnel, equipment purchases, or community education. Authorizes such sums for fiscal years 2002 through 2007.
- Authorizes a grant program for the establishment of demonstration projects that use telehealth to deliver mental health services. Authorizes \$20 million for fiscal year 2002 and such sums through 2007.
- **Establishes an Access Grants Program to provide translation, interpretation, and other services to those with limited English-speaking proficiency. Authorizes such sums for fiscal years 2002-2006.**
- Reauthorizes sections of the Public Health Service Act pertaining to the National Health Service Corps through 2006. Entities to which a Corps member is assigned may not deny services or discriminate in providing services if an individual is unable to pay or would pay through Medicare, Medicaid, or S-CHIP. Increases the

authorization for the Scholarship Program and Loan Repayment Program from \$63.9 million in FY 1991 (and such sums) to \$146.25 million for FY 2002 and such sums for fiscal years 2003-2006.

- Increases the authorization for grants to states for loan repayment programs from \$10 million and such sums to \$12 million and such sums.
- **Establishes a new demonstration project allowing chiropractors and pharmacists to participate in the National Health Service Corps loan repayment program. Authorizes such sums in fiscal years 2002-2004, but allows the Secretary to extend the project to 2005 for evaluation purposes.**
- Requires a GAO study, completed in 2005, on the designation of health professional shortage areas.
- Authorizes a new **Healthy Communities Access Program** ~~Community Access Demonstration Program~~ to improve the effectiveness, efficiency, and coordination of services for uninsured and underinsured individuals through activities such as outreach, acquisition of technology, recruitment and training of personnel, and development of provider networks. Authorizes **such sums for fiscal years 2002-2006** (House: \$40 million for FY 2002 and such sums for fiscal years 2003-2006). The Secretary may reserve 3 percent of funds for national activities such as technical assistance and evaluation.
- **Authorizes new demonstration awards for historically black health professions schools under the Healthy Communities Access Program. Authorizes such sums for fiscal years 2002-2006.**
- Provides for the designation of “Dental Health Professional Shortage Areas.” Creates a grant program to help states develop and implement programs to address the needs of such areas. Authorizes \$50 million for fiscal years 2002-2006.

**Cost to Taxpayers:** CBO estimated, on October 17, 2001, that the S. 1533 would cost between \$8 billion and \$9 billion over the 2002-2006 period. However, the cost of the version of S. 1533 being considered in the House will likely be lower due to reduced authorization levels and the elimination of other items included in the Senate bill.

**Does the Bill Create New Federal Programs or Rules?:** The bill creates several new grant programs, as described above.

**Constitutional Authority:** A committee report citing constitutional authority is not available.

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