

which will provide the Congress an opportunity to review the final CARES plans before it can be implemented. In fact, the Veterans Affairs Committee held a hearing with Secretary Principi and the CARES Commission Chair Everett Alvarez to provide oversight on the process and to ensure that the process was moving in a public and deliberative manner. The Committee also recently passed legislation that was originally sponsored by Senator BOB GRAHAM and co-sponsored by nine other senators, including Senator CLINTON that would give the Congress 60 days to approve before any VA facility could be closed. If enacted, this legislation ensures that the Congress is involved in the implementation of the CARES plan.

I am committed and fully supportive of CARES because I believe in supporting veterans medical care needs over unneeded buildings. I believe that CARES is the most important initiative in the VA and it must be done. We cannot afford any more delays. For too long, the VA was unable to rationalize its infrastructure and millions of medical care dollars were wasted on empty, obsolete, or redundant buildings instead of focusing those dollars on medical care for our veterans. Now, after nearly 4 years of work on CARES, the VA is developing a national plan that will ensure that the medical care needs of our Nation's veterans come first and they will receive the best care in modernized 21st Century facilities. We owe it to our veterans to move away from the old medical model of hospital-centered medicine to the contemporary, modern patient-centered medicine model.

The veterans also agree with my view and oppose this amendment. The VFW's November 6, 2003 letter states, "we believe it is important to move ahead as the location and mission of some VA facilities need to change to improve veterans' access; to allow more resources to be devoted to medical care, rather than the upkeep of inefficient buildings and to adjust to modern methods of health care service delivery. Our Nation's veterans deserve no less."

The sponsors of this amendment have tried to assuage the concerns of Senators who expect to receive new medical facilities in their State by limiting the amendment to facilities where closures may occur. However, I tell my colleagues, do not be fooled. This amendment would still prevent new hospitals, clinics, and nursing homes to be constructed because the VA cannot break up its CARES plan into separate pieces. There is only one plan for the Nation. It is a National Plan and it cannot be separated into pieces. In addition, many new construction projects under CARES cannot be financed unless some obsolete facilities are closed. In some areas, such as Chicago and Pennsylvania, construction for new facilities will be financed by the proceeds of leases of the closed facilities. Fi-

nally, this amendment continues the wasteful practice of spending medical care funds on unnecessary and empty buildings. Under CARES, these funds would be re-focused on direct patient care, the construction of new outpatient clinics, and operating costs for new hospitals, such as the proposed facilities in Las Vegas and Orlando. Implementing CARES will allow the VA to serve more veterans and especially ensure that our most vulnerable veterans will not be forced to wait for several months or years to obtain medical care.

I urge my colleagues to place the needs of veterans ahead of unneeded facilities. Efforts to delay the CARES process will cause significant harm to our veterans. Outside of funding for VA medical care, CARES is my highest priority for VA. I have supported CARES from its inception in 1999, including the implementation of the pilot program in VISN 12. I strongly urge my colleagues to oppose the Clinton-Enzi amendment and allow the VA to move the CARES process forward.

The PRESIDING OFFICER (Mr. CORNYN). Who yields time?

Ms. MIKULSKI. Mr. President, first, I compliment our two colleagues from New York on their advocacy for veterans and the attempt to work to form a bipartisan coalition and for being concerned about mental health services and long-term care, as well as the rural needs.

I say to my two colleagues, we on the VA Committee have to be concerned that we are in the veterans health care business and not in the veterans health real estate business. So we want to advocate for services, not for buildings.

I think the Senator is also aware that we just had to work very hard to forage to come up with the \$1.3 billion to meet the compelling needs for our veterans. I ask the Senator from New York, with her very strong advocacy and the support of a bipartisan list of cosponsors, would she consider a different approach—that, perhaps, report language be in the bill acknowledging the validity of the concerns raised by her, Senator ENZI, and others, talking about the need for long-term care, and pay attention to this as well as the rural health care?

I say to my dear and esteemed colleague, the CARES project or process is due December 3. To make these recommendations, some of which are quite excellent—inclusion, participation, et cetera—would derail CARES. It could affect our spinal injury programs or more outpatient clinics. I know it could have unintended consequences.

Would the Senator consider an alternative other than having the vote on the amendment?

Mrs. CLINTON. Mr. President, I appreciate greatly the understanding of my friend and colleague. I am somewhat concerned, however. We have many charts, but I will not go into them, under the circumstances. They are very clear that there has not been

adequate conversation on mental health and the other needs. I respect what the Senator from Missouri said. If you look overall, there may not be a loss of services defined in a certain way, but that is not necessarily tied to where the veterans need the services, or where the high-quality services have historically been given.

I also add that Senator ENZI, my esteemed cosponsor, is at this moment chairing a hearing. We were, obviously, unprepared to get this up and get it out. But he told us to go ahead. I would like the opportunity to discuss this with my cosponsor. I don't want to make a decision without his awareness of what the Senator's idea is.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that this colloquy be extended for another 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I suggest that we at least have an opportunity to discuss this with not only the prime cosponsor, but all the other cosponsors because many of us feel very strongly about the way this CARES process proceeds.

Could the managers of the bill tell us what the plan is, and whether we are going to have votes on this bill when we finish the 30 hours? Where do we stand in the process? That would give me a better idea as to how to respond to the offer of the Senator from Maryland.

Mr. BOND. Mr. President, in order to get this bill completed, we are going to have to wrap it up one way or the other by 6 o'clock tonight. It can either walk out or go out feet first. I will join my colleague from Maryland in saying if she wants to withdraw the amendment, I understand her concerns. I am sympathetic to the concerns. We would be delighted to put it in report language and work with the Secretary of the VA to make sure her concerns are fully addressed.

But in the meantime, unless the Senator is ready to acquiesce, I ask unanimous consent that this amendment and the yeas and nays be set aside temporarily until we can have further discussions with the Senator from New York and the other sponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

BASIC PILOT PROGRAM EXTENSION AND EXPANSION ACT

Mr. BOND. Mr. President, I have been asked by the leadership to bring up Calendar No. 374, S. 1685, the Immigrant Pilot Program. I believe it has been cleared on both sides.

I ask unanimous consent that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1685) to extend and expand the basic pilot program for employment eligibility verification, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Basic Pilot Program Extension and Expansion Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

[Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

SEC. 3. EXPANSION OF THE BASIC PILOT PROGRAM.

[(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "in," and all that follows through the semicolon and inserting "in all States";

[(b) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

[(1) in paragraph (2)(B), by striking "or entity electing—" and all that follows through "(ii) the citizen attestation pilot program" and inserting "or entity electing the citizen attestation pilot program";

[(2) by striking paragraph (3); and

[(3) by redesignating paragraph (4) as paragraph (3).]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Basic Pilot Program Extension and Expansion Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

SEC. 3. EXPANSION OF THE BASIC PILOT PROGRAM.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by inserting after "United States" the following: ", and the Secretary of Homeland Security shall expand the operation of the program to all 50 States not later than December 1, 2004".

(b) REPORT.—Section 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by striking "The" and inserting:

"(a) IN GENERAL.—The", and

(2) by adding at the end the following new subsection:

"(b) REPORT ON EXPANSION.—Not later than June 1, 2004, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report—

"(1) evaluating whether the problems identified by the report submitted under subsection (a) have been substantially resolved; and

"(2) describing what actions the Secretary of Homeland Security shall take before undertaking the expansion of the basic pilot program to all 50 States in accordance with section 401(c)(1), in order to resolve any outstanding problems raised in the report filed under subsection (a)."

(c) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immi-

grant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking "or entity electing—" and all that follows through "(ii) the citizen attestation pilot program" and inserting "or entity electing the citizen attestation pilot program";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(d) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—Title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

Mr. BOND. Mr. President, I ask unanimous consent that the Leahy-Brownback amendment at the desk be agreed to; the committee substitute, as amended, be agreed to; the bill, as amended, be read the third time and passed; the motions to reconsider be laid upon the table en bloc; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2170) was agreed to, as follows:

AMENDMENT NO. 2170

(Purpose: To extend the duration of the immigrant investor regional center pilot program for 5 additional years, and for other purposes)

At the end, add the following:

SEC. 4. PILOT IMMIGRATION PROGRAM.

(a) PROCESSING PRIORITY UNDER PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS TO PROMOTE ECONOMIC GROWTH.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following:

"(d) In processing petitions under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) for classification under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)), the Secretary of Homeland Security may give priority to petitions filed by aliens seeking admission under the pilot program described in this section. Notwithstanding section 203(e) of such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence."

(b) EXTENSION.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking "10 years" and inserting "15 years".

SEC. 5. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

The committee amendment, as amended, was agreed to.

The bill was read the third time and passed, as follows:

S. 1685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the "Basic Pilot Program Extension and Expansion Act of 2003".

SEC. 2. EXTENSION OF PROGRAMS.

[Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "6-year period" and inserting "11-year period".

SEC. 3. EXPANSION OF THE BASIC PILOT PROGRAM.

(a) IN GENERAL.—Section 401(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by inserting after "United States" the following: ", and the Secretary of Homeland Security shall expand the operation of the program to all 50 States not later than December 1, 2004".

(b) REPORT.—Section 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) by striking "The" and inserting:

"(a) IN GENERAL.—The", and

(2) by adding at the end the following new subsection:

"(b) REPORT ON EXPANSION.—Not later than June 1, 2004, the Secretary of Homeland Security shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report—

"(1) evaluating whether the problems identified by the report submitted under subsection (a) have been substantially resolved; and

"(2) describing what actions the Secretary of Homeland Security shall take before undertaking the expansion of the basic pilot program to all 50 States in accordance with section 401(c)(1), in order to resolve any outstanding problems raised in the report filed under subsection (a)."

(c) CONFORMING AMENDMENTS.—Section 402(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended—

(1) in paragraph (2)(B), by striking "or entity electing—" and all that follows through "(ii) the citizen attestation pilot program" and inserting "or entity electing the citizen attestation pilot program";

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

(d) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENTS.—Title IV of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

SEC. 4. PILOT IMMIGRATION PROGRAM.

(a) PROCESSING PRIORITY UNDER PILOT IMMIGRATION PROGRAM FOR REGIONAL CENTERS

TO PROMOTE ECONOMIC GROWTH.—Section 610 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended—

(1) by striking “Attorney General” each place such term appears and inserting “Secretary of Homeland Security”; and

(2) by adding at the end the following:

“(d) In processing petitions under section 204(a)(1)(H) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(H)) for classification under section 203(b)(5) of such Act (8 U.S.C. 1153(b)(5)), the Secretary of Homeland Security may give priority to petitions filed by aliens seeking admission under the pilot program described in this section. Notwithstanding section 203(e) of such Act (8 U.S.C. 1153(e)), immigrant visas made available under such section 203(b)(5) may be issued to such aliens in an order that takes into account any priority accorded under the preceding sentence.”

(b) EXTENSION.—Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (8 U.S.C. 1153 note) is amended by striking “10 years” and inserting “15 years”.

SEC. 5. GAO STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the General Accounting Office shall report to Congress on the immigrant investor program created under section 203(b)(5) of the Immigration and Nationality Act (8 U.S.C. 1153(b)(5)).

(b) CONTENTS.—The report described in subsection (a) shall include information regarding—

(1) the number of immigrant investors that have received visas under the immigrant investor program in each year since the inception of the program;

(2) the country of origin of the immigrant investors;

(3) the localities where the immigrant investors are settling and whether those investors generally remain in the localities where they initially settle;

(4) the number of immigrant investors that have sought to become citizens of the United States;

(5) the types of commercial enterprises that the immigrant investors have established; and

(6) the types and number of jobs created by the immigrant investors.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004—Continued

Mr. BOND. Mr. President, I see the distinguished Senator from New Jersey in the Chamber. I believe he has an amendment, and if the pricetag is reasonable, we may be able to accept it.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I appreciate the manager's interest in permitting me to offer this amendment. I will try to do it as quickly as I can.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2171 TO AMENDMENT NO. 2150

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG], for himself, Ms. MIKULSKI, Mr. JEFFORDS, Mrs. BOXER, Mr. CORZINE, Mr. SCHUMER, Mr. LEAHY, Mr. LIEBERMAN, Mr. KERRY, Mr. KENNEDY, Mr. EDWARDS, Ms. CANTWELL, and Mr. DURBIN, proposes an amendment numbered 2171.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To maintain enforcement personnel for the Environmental Protection Agency at the fiscal year 2003 level)

On page 98, line 5, before the period at the end, insert the following: “, of which, in addition to any other amounts provided under this heading for the Office of Enforcement and Compliance Assurance, \$5,400,000 shall be made available for that office”.

Mr. LAUTENBERG. Mr. President, I rise to offer this amendment on behalf of myself and Senator MIKULSKI. We are pleased to have as cosponsors Senators JEFFORDS, KERRY, LIEBERMAN, BOXER, SCHUMER, LEAHY, CORZINE, DURBIN, CANTWELL, KENNEDY, and EDWARDS.

This appropriations bill cuts the number of enforcement officers in EPA's Office of Enforcement and Compliance Assurance by 54 positions. The amendment I am offering would restore those 54 positions so that EPA would have the same number of enforcement officers in fiscal year 2004 that the agency had in 2003.

Maintaining the current level of enforcement capacity is the least we ought to do in view of the reductions in enforcement staffing we have seen made in recent years.

An EPA report that was released earlier this year on the Nation's enforcement of the Clean Water Act paints a disheartening picture. It shows additional officers are critically needed. Without this amendment, the total staffing reductions made since fiscal year 2001 will equal 100 enforcement positions. That is equivalent to eliminating all of EPA's enforcement personnel for both the Northeast and Southeast regions.

The cost of the 54 positions my amendment would retain would be approximately \$5.4 million. This cost, as the Senator from Missouri noted, will be offset by a tiny reduction of .003, or three one-thousandths of a percent, in EPA's \$22.2 billion environmental programs and management account. Again, these positions are only going to keep the level of enforcement staffing where it presently is.

Our colleagues in the House have already approved a similar amendment. In July, they voted to add 54 enforcement positions back into the bill at the same cost using the same offset as the amendment before us.

The cuts in enforcement are taking a heavy toll, and the facts are these: Be-

tween 1999 and 2001, 76 percent of the country's major facilities with significant environmental violations received no formal enforcement action whatsoever. Inspections are down. There has been a 45-percent decrease in enforcement actions, and the penalties that are levied averaged a paltry \$6,000. We have practically hung out a sign that tells polluters it is all right to flaunt the law, and the fines are hardly a deterrent to businesses generally.

The damage they do, however, is not free, and society will pay the price for the mounting violations, additional fish advisories, higher asthma rates, more trips to the hospital, and worse.

An internal EPA survey that was leaked to the press in January painted a dismal and frightening picture of what is happening at some of the largest facilities across the country. Fifty percent of major facilities are exceeding their permitted toxic release limits by 100 percent, 21 percent of the facilities are exceeding their toxic release limits by 500 percent, and 13 are exceeding toxic limits by an alarming 1,000 percent.

These are alarming statistics, and they portray a terrible picture.

I am pleased my colleagues will be considering what it means to these families who live downriver or downwind from these plants. None of us in this Chamber would ever knowingly subject our families to concentrations of mercury, dioxins, or other deadly toxins in our lakes and rivers that are 10 times the safe level. But we are doing that. If we don't stop companies from violating our environmental laws, we will continue to do that.

To my colleagues, I say we are not powerless; we can stop these dangerous violations, or at least keep them contained to a no larger level, which is an important first step this amendment takes care of.

I submit this amendment for consideration by the ranking member, the distinguished Senator from Maryland, and the chairman, the distinguished Senator from Missouri. I understand there has been a review of my amendment.

Ms. MIKULSKI. Mr. President, there has been a review of the Senator's amendment.

Mr. BOND. Mr. President, I believe we can accept this amendment. This is an increase, obviously. Our budget has been short in every area. We share the concern of the author of this amendment in ensuring EPA enforcement is strong enough.

There is no objection on this side.

Ms. MIKULSKI. Mr. President, I am an enthusiastic cosponsor of the Lautenberg amendment. He is absolutely right. This money is needed because it essentially restores funding for the environmental cops on the beat. We wanted to do this in our bill, but circumstances shackled us from doing so.

This is a good amendment. We are happy to accept it. I thank the Senator for his longstanding advocacy in this area.