

(Mr. BARRASSO), the Senator from Idaho (Mr. CRAPO) and the Senator from Nebraska (Mr. JOHANNIS) were added as cosponsors of amendment No. 3309 proposed to H.J. Res. 45, a joint resolution increasing the statutory limit on the public debt.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself and Mr. LUGAR):

S. 2960. A bill to exempt aliens who are admitted as refugees or granted asylum and are employed overseas by the Federal Government from the 1-year physical presence requirement for adjustment of status to that of aliens lawfully admitted for permanent residence, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I introduce today the Refugee Opportunity Act, legislation that corrects an unfortunate limitation under current law. I thank Senator LUGAR for joining me in support of this legislation. The immigration statute requires a refugee who is resettled in the United States to remain on U.S. soil for a full year before adjusting to lawful permanent residence. For many, this requirement offers no obstacles. The majority of resettled refugees immediately begin to work, learn English, and contribute to their local communities. Yet the 1-year physical presence requirement poses a significant barrier to resettled refugees who are eager and willing to serve the U.S. Government overseas. If they do, they lose that settlement. We can correct that.

One of the tragic legacies of the war in Iraq is the humanitarian crisis that grew out of the conflict, in which millions of people have been displaced both internally and externally, and in which many others have been killed in horrific acts of political and religious persecution. Violent reprisals, kidnappings, and bombings were committed during the insurgency that rose up after May 2003, when President Bush declared the end of major combat operations. Diplomatic and military efforts to quell the insurgency and bring order to Iraq were aided by many brave Iraqi citizens, who, at great risk to themselves and their families, assisted the United States as interpreters or in other capacities. These individuals took such risks knowing the dangers they faced, and many lost their lives.

In 2007, I worked with Senator Ted Kennedy to enact legislation to provide special visas for Iraqi interpreters who had assisted the United States in Iraq and who wished to resettle in the United States to escape the grave dangers they faced as a result of their cooperation with our government. I was proud to join Senator Kennedy in that effort. The enactment of that legislation made clear our commitment to aiding those who had assisted the United States with the critical mission in Iraq. It was the right thing to do.

In 2008, I joined Senator SCHUMER in sponsoring the Military Personnel Citizenship Processing Act. This legislation removed bureaucratic barriers to becoming U.S. citizens for immigrants serving in our military. Congress enacted this legislation to recognize the contributions of immigrants who serve the United States and to fulfill many soldiers' dreams of becoming U.S. citizens. Also in 2008, I worked with Senator MIKULSKI to enact the complementary Kendell Frederick Citizenship Assistance Act, a bill that made the pathway to citizenship for immigrants serving in the military simpler and more efficient. Congress has spoken consistently in favor of recognizing the value of immigrants and refugees who embrace the United States through service to their adopted Nation.

Today I introduce the Refugee Opportunity Act, legislation that builds upon this strong commitment by correcting an unfortunate limitation under current law. I thank Senator LUGAR for joining me in support of this legislation. The immigration statute requires a refugee who is resettled in the United States to remain on U.S. soil for a full year in order to adjust to lawful permanent residence. For many, this requirement presents no obstacles. The majority of resettled refugees immediately begin to work, learn English, and contribute to their local communities. The 1-year physical presence requirement poses a significant barrier to resettled refugees who are eager and willing to serve the U.S. Government overseas, whether as an engineer, a translator, or in some other meaningful capacity. Accepting such employment will result in the delay of a refugee's ability to adjust his or her status and fully integrate into our society. There is no logical reason to deter these refugees from taking U.S.-affiliated positions overseas, especially when they seek to serve the government that has offered them protection.

One example of such a case can be found in the story of Mr. Ahmed Alrais. Mr. Alrais came to the United States as a refugee with his family after he worked as an interpreter for the U.S. Army in Iraq. His work for the Army led to threats against his life, and the United States appropriately granted him refugee status. But then, after struggling to find work in the Chicago area and wanting to provide for his family, Mr. Alrais decided to again face the risks of working in Iraq. He joined the staff of a U.S. Army contractor and began to work on a military base in Iraq. Ironically, taking this risk has delayed his ability to earn lawful permanent residence in the United States because the Department of Homeland Security will not give him credit toward the 1 year physical presence requirement for the time he has spent working with the Army contractor in Iraq. If he had remained in the United States for a full year unemployed, he would not have been penalized under the immigration law. By choosing to

work, to support his family, and serve our Nation's military effort in Iraq, he has sacrificed months toward obtaining a green card.

To recognize the past and future contributions of refugees like Mr. Alrais, this legislation proposes to create an exception in our immigration law to waive the continuous presence requirement for any refugee who, during their first year of residence in the United States, accepts employment overseas to aid the U.S. Government. This legislation will not only recognize the commendable actions of refugees who wish to honor the United States by working for our government overseas, it will also enrich our government's military and diplomatic missions by drawing upon the professional and language skills of refugees. Finally, this bill will encourage more refugees to assist the U.S. efforts abroad. These are goals we should all support.

Our refugee policies have long been a beacon of hope and promise to many around the world. This legislation is the beginning of a renewed effort to improve and modernize our refugee policies to adapt to our changing world. March 17 will mark the 30th anniversary of the enactment of the Refugee Act of 1980, a law originally introduced by Senator Kennedy, a champion of refugees and asylum seekers. I intend to introduce legislation this year to mark that important anniversary. In the coming weeks, I will introduce a bill to enhance protections by bringing our refugee and asylum laws up to date. This comprehensive refugee package will also build on legislation I introduced in the 106th and 107th Congresses, the Refugee Protection Act. I will speak in greater detail on this comprehensive refugee protection package in the coming weeks.

There is no reason to delay introduction of the bill I offer today, however. In 2007, Congress recognized the value and the bravery of those refugees who assisted us in Iraq, and once we pledge American protection, we must follow through with that promise. The circumstances of Mr. Alrais and his family demonstrate the grave inequity that results from current law. They escaped from tyranny and won protection here in the United States. They hope to build a safe and stable life in our country. They will contribute to our communities, educate their children, and become entwined in the fabric of the United States. And the evidence of such dreams is already seen in the actions of this family. Mr. Alrais' wife, Nada Alkhaddar, helps other refugees adjust to life in Chicago under the auspices of a nonprofit community organization. Mr. Alrais' 17-year-old son plays football at his Chicago high school and recently told a reporter that he wants to become a Chicago policeman the embodiment of the public servant "for America," he said.

I urge all Senators to join me in supporting the Refugee Opportunity Act, a sensible, appropriate, and overdue modification to our immigration law.

By Mr. DODD (for himself and Mr. MCCAIN):

S. 2962. A bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today with my colleague from Arizona, Senator JOHN MCCAIN, to reintroduce legislation on an issue we have worked on together for over a decade. The Blind Persons Return to Work Act of 2010 will remove disincentives to work for blind individuals in the Social Security Disability Insurance, SSDI, program. Removal of these barriers will facilitate the transition of blind Americans from SSDI to income-earning, taxpaying, productive members of the American workforce.

Today there are over 1.3 million Americans who are legally blind and an estimated 10 million Americans with visual impairments. The Americans with Disabilities Act and advances in technology have eliminated many barriers for blind individuals. Today blind individuals are employed in nearly every type of job and profession. They lead businesses and governments. Time and again, they have proven they are more than capable. Yet, societal misperceptions, attitudes, and barriers persist. Unfortunately, more than 70 percent of working-age blind individuals remain unemployed. This is an enormous untapped resource of skills and talents for our country, and it is simply unacceptable.

One thing is clear: blind individuals want to work. I don't know how you put a price tag on the personal value of work. The dignity it provides is priceless. There are many challenges to increasing the employment rate of blind individuals. However, one common sense step we should take is to correct unintended disincentives and barriers within our SSDI program.

Within the SSDI program are earnings limits for beneficiaries. Historically, there was a longstanding linkage between the treatment of earnings for blind individuals and seniors. In 1996, Congress passed the Senior Citizens Freedom to Work Act. This legislation was adopted to encourage seniors to continue working later in life. While it significantly reduced restrictions on earnings for seniors, it created disparities for individuals who are blind. My friend from Arizona and I have worked tirelessly since then to correct this issue of fairness.

The Blind Persons Return to Work Act will replace the monthly earnings limit for individuals who are blind with a gradual phase-out, allowing blind individuals to systematically replace benefits with earned income. Under the current system, if a blind person earns just one single dollar over the limit, they lose their entire SSDI benefit. Clearly, this is a drastic reduction in income and disincentive to work and

earn to the fullest potential. Instead of this "cash cliff," our legislation will gradually reduce benefits by \$1 for every \$3 earned over the limit. It also establishes annual versus monthly earnings tests and a standard deduction for impairment-related work expenses, changes that will reduce administrative burdens for both blind individuals and the Social Security Administration.

As we work to turn our economy around, the Federal Government should do everything within its power to support all Americans in returning to work. I urge my colleagues to join us in sponsoring this common sense approach of removing barriers to employment for blind Americans.

Mr. MCCAIN. Mr. President, I am pleased today to join my colleague, Senator DODD, in introducing an important piece of legislation that will have an enormously positive impact on and improve the lives of blind Americans in the workforce. For too long, capable and talented blind Americans who have the desire and ability to fully participate in the workforce have been discouraged from doing so because of outdated federal disability laws.

Current law stifles earnings opportunities for blind individuals by cancelling all disability assistance for the first dollar of earnings over the government-set threshold. As a result, blind individuals covered by Social Security Disability Insurance, SSDI, which was created to provide security and stability to blind workers during periods of unemployment, are discouraged from expanding their employment opportunities beyond the earnings limitation for fear of suddenly losing their benefits.

Senator DODD and I have been longtime supporters of legislation that would increase the earnings limit for those covered by SSDI. A similar policy was enacted for senior citizens with the adoption of the Senior Citizens Freedom to Work Act. The act eliminated the earnings limit for certain seniors covered by Social Security and thereby encouraged more seniors to participate in the workforce.

The current proposal, the Blind Persons Return to Work Act, is an improvement on past policy proposals focusing on modestly increasing the earnings limit. Rather than simply increasing the earnings limit for blind individuals, the act would allow for a gradual phase-out of Federal benefits for every \$3 earned over the current limit, providing blind individuals the opportunity to increase their earnings as the SSDI benefit decreases.

The unemployment rate for working-age blind people is currently 70 percent. Many of these individuals are extremely talented and capable of fully contributing to the workforce, and we should provide them an incentive to reach their full potential while reducing the number of federal beneficiaries. The proposal will ease the transition from relying solely upon SSDI benefits

to becoming active and productive members of the workforce.

I urge my colleagues to join me in supporting the Blind Americans Return to Work Act, to treat blind individuals fairly and to allow them to achieve increased financial independence.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 2963. A bill to designate certain land in the State of Oregon as wilderness, to provide for the exchange of certain Federal land and non-Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce new Wilderness legislation to protect two of Oregon's natural treasures. But, this bill will do even more than that. It will also help Oregon's economy, because visitors from all over the world come to our State to experience first-hand the unique scenic beauty of place like the lands preserved by this bill.

The legislation I introduce today with my colleague Senator MERKLEY—the Cathedral Rock and Horse Heaven Wilderness Act of 2010—will consolidate what is currently a splintered ownership of land in this area and protect 16,477 acres of new Wilderness along the Lower John Day River. The fractured land ownership in this area makes it difficult for visitors to fully appreciate these areas when they hike, fish or hunt there because of the scattered and misunderstood lines of private and public ownership. This bill will solve that problem and make these lands more inviting to visitors while giving the landowners more contiguous property to call home.

The area in question is stunning. The Cathedral Rock and Horse Heaven Wilderness proposals encompass dramatic basalt cliffs and rolling hills of juniper, sagebrush and native grasses. These new areas build on the desert Spring Basin Wilderness that was established last year as a result of legislation I introduced, and are located directly across the John Day River from Spring Basin.

With 500 miles of undammed waters, the John Day River is the second-longest free-flowing river in the continental U.S. and is a place that is cherished by Oregonians. The Lower John Day Wild and Scenic River offers world-class opportunities for outdoor recreation as well as crucial wildlife habitat for elk, mule deer, bighorn sheep and native fish such as salmon and steelhead trout. Through land consolidation between public and private landowners, this bill will allow for better management and easier public access for this important natural treasure. With the current fragmentation of public and private land ownership in the area, river campsites are limited. Many federal lands among them can't be reached by the hikers, campers and other outdoors recreationists who could most appreciate them. With the

equal-value land exchanges included in this bill, public lands would be consolidated into two new Wilderness areas. This would enhance public safety, improve land management, and increase public access and recreational opportunities. This solution will create an incredible, new heritage for public lands recreationists who are an important factor in keeping Oregon's economy healthy and thriving.

Rafters of the John Day River can attest to the need for more campsites and public access to the Cathedral Rock area. Backcountry hunters will be able to scan the hillsides for elk, deer and game-birds without having to worry about accidentally trespassing on someone's private land. Anglers will be able to access nearly 5 miles of the John Day River that today are only reachable from privately owned lands. Likewise, such a solution ensures that local landowners can manage their lands effectively without running across unwitting trespassers.

One good example of the value of these land swaps is Young Life's Washington Family Ranch. This Ranch is home to a Christian youth camp that welcomes over 20,000 kids to the lower John Day area each year. This bill sets out private and public land boundaries that can clearly be seen on the ground and create a safer area for campers on the Ranch; this serves the children who visit the area well and ensures the continued viability of the Ranch, which, in turn, provides big economic dividends to the local community.

The Cathedral Rock and Horse Heaven Wilderness proposal is described as "win-win-win" by many stakeholders—nearly five miles of new river access for the public and 18,000 acres of protected wild land for outdoor enthusiasts; better management for private landowners and public agencies; and important habitat protections for sensitive and endangered species. This proposal is an example of the positive solutions that can result when varied, bipartisan interests in a community come together to craft solutions that will work for everyone. All three of the counties involved in this legislation, Wheeler, Wasco and Jefferson, have endorsed this proposal as well as a number of user and recreation groups. I especially want to thank the Oregon Natural Desert Association, Young Life and Forrest Reinhardt, and Matt Smith for their role in developing this collaborative solution that will benefit all Oregonians.

Oregon's wildlands play an increasingly important role in the economic development of our State, especially in traditionally rural areas east of the Cascades. Visitors come from thousands of miles away to hike, fish, raft and hunt in Oregon's desert Wilderness. Beyond tourism, the rich quality of life and the diverse natural amenities that we enjoy as Oregonians are key to attracting new businesses to Oregon. The Cathedral Rock and Horse Heaven Wilderness areas will help make sure that

this rural area will enjoy the benefits that permanently connecting these disparate pieces of natural landscape will bring for generations to come.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2963

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 "Cathedral Rock and Horse Heaven Wilderness Act of 2010".

SEC. 2. DEFINITIONS.

(1) **FEDERAL LAND.**—The term "Federal land" means the Federal land authorized to be conveyed by the United States under section 4(a).

(2) **LANDOWNER.**—The term "landowner" means the owner of the applicable non-Federal land.

(3) **NON-FEDERAL LAND.**—The term "non-Federal land" means the land authorized to be conveyed to the United States under section 4(a).

(4) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(5) **STATE.**—The term "State" means the State of Oregon.

(6) **WILDERNESS AREA.**—The term "wilderness area" means any of the areas designated as components of the National Wilderness Preservation System by section 3(a).

(7) **WILDERNESS MAP.**—The term "wilderness map" means the map entitled "Cathedral Rock-Horse Heaven Wilderness Proposals" and dated January 21, 2010.

SEC. 3. CATHEDRAL ROCK WILDERNESS AND HORSE HEAVEN WILDERNESS.

(a) **DESIGNATION.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the following land in the State is designated as wilderness and as components of the National Wilderness Preservation System:

(1) **CATHEDRAL ROCK WILDERNESS.**—The approximately 8,686 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, to be known as the "Cathedral Rock Wilderness".

(2) **HORSE HEAVEN WILDERNESS.**—The approximately 7,791 acres of Bureau of Land Management land in the State, as depicted on the wilderness map, to be known as the "Horse Heaven Wilderness".

(b) **MAPS; LEGAL DESCRIPTIONS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary shall file a map and legal description of each wilderness area with—

(A) the Committee on Natural Resources of the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate.

(2) **FORCE OF LAW.**—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary may correct errors in the map and legal description.

(3) **AVAILABILITY.**—The maps and legal descriptions filed under paragraph (1) shall be on file and available for public inspection in—

(A) the Office of the Chief of the Forest Service; and

(B) the Office of the Director of the Bureau of Land Management.

(4) **CONFLICT BETWEEN MAP AND LEGAL DESCRIPTION.**—In the case of a conflict between the maps and legal descriptions filed under paragraph (1), the maps shall control.

(c) **ADMINISTRATION OF WILDERNESS.**—

(1) **IN GENERAL.**—Subject to valid existing rights, the wilderness areas shall be administered by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), except that any reference in that Act to the effective date shall be considered to be a reference to the date of enactment of this Act.

(2) **INCORPORATION OF ACQUIRED LAND AND INTERESTS.**—Any land within or adjacent to the boundary of a wilderness area that is acquired by the United States shall—

(A) become part of the wilderness area; and

(B) be managed in accordance with—

(i) this section; and

(ii) any other applicable laws.

(3) **WITHDRAWAL.**—Subject to valid rights in existence on the date of enactment of this Act, the Federal land within the wilderness areas is withdrawn from all forms of—

(A) entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) disposition under all laws relating to mineral and geothermal leasing or mineral materials.

(4) **GRAZING.**—The grazing of domestic livestock in a wilderness area shall be administered in accordance with—

(A) section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)); and

(B) the guidelines set forth in Appendix A of the report of the Committee on Interior and Insular Affairs of the House of Representatives accompanying H.R. 2570 of the 101st Congress (H. Rept. 101-405) and H.R. 5487 of the 96th Congress (H. Rept. 96-617).

(5) **ACCESS TO NON-FEDERAL LAND.**—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.), the Secretary shall provide reasonable access to non-Federal land within the boundaries of the wilderness areas.

(6) **STATE WATER LAWS.**—Nothing in this section constitutes an exemption from State water laws (including regulations).

(7) **TRIBAL RIGHTS.**—Nothing in this section—

(A) affects, alters, amends, repeals, interprets, extinguishes, modifies, or is in conflict with—

(i) the treaty rights of an Indian tribe, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963);

(ii) any other rights of an Indian tribe;

(B) prevents, prohibits, terminates, or abridges the exercise of treaty-reserved rights, including the rights secured by the Treaty with the Tribes and Bands of Middle Oregon of June 25, 1855 (12 Stat. 963), within the boundaries of the wilderness areas; or

(C) affects any non-Federal land acquired by the United States under section 4.

SEC. 4. LAND EXCHANGES.

(a) **AUTHORIZATION.**—

(1) **SMITH EXCHANGE.**—

(A) **IN GENERAL.**—If Derby Smith Partners, LLC, of Bend, Oregon (referred to in this section as "Smith"), offers to convey to the United States all right, title, and interest of Smith in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Smith all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) **DESCRIPTION OF LAND.**—

(i) **NON-FEDERAL LAND.**—The non-Federal land referred to in subparagraph (A) is the approximately 1,057 acres of non-Federal land identified on the wilderness map as "Lands proposed for transfer from Smith to the Federal Government".

(ii) **FEDERAL LAND.**—The Federal land referred to in subparagraph (A)(ii) is the approximately 1,195 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Smith”.

(2) **SHRUM EXCHANGE.**—

(A) **IN GENERAL.**—If Milton Shrum (referred to in this section as “Shrum”) offers to convey to the United States all right, title, and interest of Shrum in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Shrum all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) **DESCRIPTION OF LAND.**—

(i) **NON-FEDERAL LAND.**—The non-Federal land referred to in subparagraph (A) is the approximately 416 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Shrum to the Federal Government”.

(ii) **FEDERAL LAND.**—The Federal land referred to in subparagraph (A)(ii) is the approximately 594 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Shrum”.

(3) **YOUNG LIFE EXCHANGE.**—

(A) **IN GENERAL.**—If Young Life of Colorado Springs, Colorado (referred to in this section as “Young Life”), offers to convey to the United States all right, title, and interest of Young Life in and to the non-Federal land described in subparagraph (B)(i), the Secretary shall—

(i) accept the offer; and

(ii) on receipt of acceptable title to the non-Federal land and subject to valid existing rights, convey to Young Life all right, title, and interest of the United States in and to the Federal land described in subparagraph (B)(ii).

(B) **DESCRIPTION OF LAND.**—

(i) **NON-FEDERAL LAND.**—The non-Federal land referred to in subparagraph (A) is the approximately 8,715 acres of non-Federal land identified on the wilderness map as “Lands proposed for transfer from Young Life to the Federal Government”.

(ii) **FEDERAL LAND.**—The Federal land referred to in subparagraph (A)(ii) is the approximately 12,335 acres of Federal land identified on the wilderness map as “Lands proposed for transfer from the Federal Government to Young Life”.

(b) **APPLICABLE LAW.**—Except as otherwise provided in this section, the Secretary shall carry out the land exchanges under subsection (a) in accordance with section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(c) **CONDITIONS.**—The conveyances of the Federal land and non-Federal land under subsection (a) shall be subject to such terms and conditions as the Secretary may require.

(d) **EQUAL VALUE EXCHANGE.**—

(1) **IN GENERAL.**—The value of the Federal land and non-Federal land to be exchanged under this section—

(A) shall be equal; or

(B) shall be made equal in accordance with paragraph (2).

(2) **EQUALIZATION.**—

(A) **SURPLUS OF FEDERAL LAND.**—If the value of the Federal land exceeds the value of the non-Federal land, the value of the Federal land and non-Federal land shall be equalized, as determined to be appropriate and acceptable by the Secretary and the landowner—

(i) by reducing the acreage of the Federal land to be conveyed; or

(ii) by adding additional State land to the non-Federal land to be conveyed.

(B) **SURPLUS OF NON-FEDERAL LAND.**—If the value of the non-Federal land exceeds the value of the Federal land, the value of the Federal land and non-Federal land shall be equalized by reducing the acreage of the non-Federal land to be conveyed, as determined to be appropriate and acceptable by the Secretary and the landowner.

(e) **APPRAISALS.**—

(1) **IN GENERAL.**—As soon as practicable after the date of enactment of this Act, the Secretary and the landowner shall select an appraiser to conduct an appraisal of the Federal land and non-Federal land to be exchanged.

(2) **REQUIREMENTS.**—An appraisal under paragraph (1) shall be conducted in accordance with nationally recognized appraisal standards, including—

(A) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(B) the Uniform Standards of Professional Appraisal Practice.

(f) **SURVEYS.**—

(1) **IN GENERAL.**—The exact acreage and legal description of the Federal land and non-Federal land to be exchanged under subsection (a) shall be determined by surveys approved by the Secretary.

(2) **COSTS.**—The Secretary and the landowner shall divide equally between the Secretary and the landowner—

(A) the costs of any surveys conducted under paragraph (1); and

(B) any other administrative costs of carrying out the land exchange under this section.

(g) **DEADLINE FOR COMPLETION OF LAND EXCHANGE.**—It is the intent of Congress that the land exchanges under this section be completed not later than 2 years after the date of enactment of this Act.

(h) **ADDITION TO WILDERNESS AREAS.**—On completion of the land exchanges under this section, the non-Federal land shall—

(1) become part of the wilderness areas; and

(2) be managed in accordance with—

(A) this Act;

(B) the Wilderness Act (16 U.S.C. 1131 et seq.); and

(C) any other applicable law.

By Mr. GRASSLEY:

S. 2964. A bill to amend title XVIII, XIX, and XXI of the Social Security Act to prevent fraud, waste, and abuse under Medicare, Medicaid, and CHIP, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, in 2009 the Medicare, Medicaid and CHIP programs accounted for over \$800 billion of the \$2.3 trillion spent on health care in the U.S. Together, these programs constitute around 35 percent of national health spending. With so much taxpayer money at stake, it is no surprise that all this spending brings crooks, scam artists and even organized crime out of the woodwork.

Low estimates are that fraudsters steal \$60 billion from the Medicare and Medicaid programs every year. As Federal health care spending continues to skyrocket, so will the dollars lost to fraud, waste and abuse.

This is a crime against not only the taxpayer, but against each and every beneficiary who depends on these programs for their health care. The examples of fraud are all around us. In a 60

Minutes segment late last year, we saw a medical supply company that billed Medicare \$2 million last July—despite being empty and having apparently no staff.

One man interviewed said he was waking up every day making \$20,000–\$40,000. Every single day. He said it was like winning the lottery, and you and me and every taxpayer were footing the bill. He was running a fake medical supply company that didn't actually sell any medical equipment to anyone. He says he stole at least \$20 million from Medicare. He said it was, “real easy.”

This must change.

I don't think Members on either side of the aisle dispute this. Back when health care reform was a bipartisan endeavor, I developed a set of legislative proposals with Senator BAUCUS to combat fraud, waste and abuse. These proposals are in the bill that the Finance Committee reported as well as the health care reform bill that the Senate passed late last year. And these provisions did not draw opposition from either side of the aisle. Tackling fraud, waste and abuse in health care is one of the areas where there is widespread agreement.

That is why I am here today to introduce the Strengthening Program Integrity and Accountability in Health Care Act. This legislation includes the critical measures that I developed on a bipartisan basis. This bill also includes legislation and amendments I have subsequently introduced to strengthen these proposals to address fraud, waste and abuse.

They are designed to deter, detect and prevent those that would steal from Federal health care programs, to assist those tasked with catching these criminals, and to protect taxpayer dollars. These commonsense changes will go a long way in helping to make sure Medicare, Medicaid and CHIP dollars are going to bona fide providers, instead of fraudsters set on scamming the system.

This legislation would make it harder for fraudsters to enroll in Federal health programs as providers and bilk the system. This includes requiring meaningful screening of health care providers and suppliers. Additional tools would also be provided to prevent fraud, waste and abuse including enhanced oversight measures, disclosure requirements, authority to impose enrollment moratoriums and requirements for developing compliance programs.

This bill would impose additional requirements on providers and suppliers to ensure that bona fide providers are billing Federal health programs for bona fide items and services. This includes providing documentation or performing a face-to-face evaluation before certifying a beneficiary's eligibility for an item or service.

It would also improve Federal monitoring for fraud, waste and abuse by requiring better data sharing and data

access across the Federal government. Government agencies would be able to share information with each other in an effort to identify crooks in the system promptly. It would also create a national clearinghouse of information so we can better detect and prevent and thereby deter medical identity theft. Again, this is about the Federal Government sharing information it already has in ways that protect the Taxpayer and work against those defrauding the system and hopefully deter those who are thinking about stealing from you.

The legislation takes several steps to end the current "pay and chase" model of Federal health care spending. It takes the commonsense approach of allowing the government to withhold taxpayer dollars from those under investigation for health care fraud.

It would change Federal laws that require Medicare to pay providers quickly, regardless of the risk of fraud, waste, or abuse. Under current law, the government is required to make payment for a "clean" claim within 14 to 30 days before interest accrues on the claim. That is not enough time for the limited number of Medicare auditors to determine if the claim is legitimate before the payment has to be made. The result is that this "prompt payment rule" requires that Medicare pay fraudsters first, and ask questions later.

This requirement doesn't make any sense. This bill would give the Secretary of Health and Human Services the authority to ask questions first and then and only then to make the payment if the health care provider and the payment for services check out. The Secretary would also be required to suspend payments pending the investigation of credible allegations of fraud against the provider or supplier.

This legislation would also increase funding for those fighting health care fraud. Study after study has shown that every dollar spent fighting health care fraud is repaid multiple times over in funds recovered and fraud prevented. This is a good investment for the taxpayer and bad news for health care fraudsters.

This bill would provide powerful disincentives for those that would rob the taxpayer through health care fraud. It would better arm those fighting fraud with tools to catch and prosecute fraudsters. It also would make the consequences for committing health care fraud more meaningful by increasing civil monetary penalties and expanding the types of acts and omissions that would be subject to civil monetary penalties and exclusion from Federal health programs.

This legislation would also strengthen the government's most powerful tool for preventing and recovering taxpayer dollars lost to fraud, the False Claims Act. It also ensures that courageous whistleblowers that come forward to speak up against fraud and file False Claims Act cases are protected from retaliation by their employers.

These changes would go a long way to deter those who would defraud our health care programs. It also would provide greater protections to the taxpayer. In these difficult economic times, we have got to do everything we can to protect taxpayer dollars and the resources of health care programs on which so many Americans depend.

By Mr. CARDIN:

S. 2967. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for small business job growth, and for other purposes; to the Committee on Finance.

Mr. CARDIN. Mr. President, I am introducing today the Boosting Entrepreneurship and New Jobs Act that I believe is desperately needed. I think it is very clear that our economy, which is coming out of the worst recession since the Great Depression, has turned a corner. But we need to create more jobs in America. We know that. We know that 1 out of 10 Americans who wish to work cannot find jobs. Our first responsibility must be to help create more jobs so our economy can rebound and grow. To do that, we need to invest in small businesses.

I was pleased to hear the President of the United States last night talk about the importance of small business in our recovery. As we develop our policies, we need to focus on helping small businesses grow. In the American Recovery and Reinvestment Act, we took action and increased the loan limits under the Small Business Administration. We were able to make it less expensive for businesses to borrow from the Small Business Administration. These were good steps we took. I was proud of an amendment I offered to increase the surety bond limits so small construction companies could, in fact, get work in this economy. I was proud of the amendment that passed to increase the SBA's budget by about \$180 million so they could have the capacity to help small companies with technical assistance in order to get government jobs. All of that has happened.

We all know 99.7 percent of all firms in America are small businesses. That is the economic engine of America. Just over half of the private sector employees work for small companies. We have to pay attention to small companies if we are going to grow out of this economic problem. Forty-four percent of the total U.S. private payroll comes from small employers. Sixty-four percent of the net new jobs over the past 15 years came from small businesses. And 97.3 percent of all identified exporters came from small companies. On a per-employee basis, for those companies that applied for patents, small companies have 13 times more patents per employee than larger companies. That is where innovation comes from in New Hampshire, and I can tell my colleagues that in Maryland, I look at companies every day, small companies coming up with the innovations that will lead America into the future. They

come up with the new ways to deal with our problems. It is the small companies that are the most prolific in providing that type of innovation to our society, whether it is Maryland, New Hampshire, or any of our States. So it is for that reason that I have introduced this legislation.

This legislation would provide some additional tools to help small businesses create new jobs. We need new jobs. It establishes a temporary 3-year refundable tax credit for new hires by small businesses. Businesses with up to 25 employees would be eligible for a refundable tax credit equal to 15 percent of the first \$20,000 of wages for new hires. That is a strong incentive for a company to put on new employees. It establishes a credit to help small companies deal with providing health benefits for their employees.

The two issues I hear about most from small businesses is the affordability of health insurance and the availability of credit. Both are dealt with through this legislation by providing a way in which small companies can have more affordable health insurance and by providing a way in which small companies can directly access SBA loans.

Following up on what the President said last night, this legislation will set aside \$30 billion from the TARP funds so that small companies could directly get SBA loans. I think that is the way to do it because there is a reluctance among banks to lend money to small businesses even though today 90 percent of that loan is guaranteed by the SBA. My legislation would use the same standard for SBA to make direct loans—so basically 100 percent guaranteed by the Federal Government rather than 90 percent. Then we know the loans will be made.

I can't tell my colleagues how many companies I have talked to in Maryland who are creditworthy. They are prepared to hire more workers. They are prepared to believe in our economy and believe in our future. The problem is they don't have a bank to partner with. If they have an existing relationship with a community bank, they may be OK. But if they don't, to try to establish a relationship today is very difficult.

The President recognized that last night when he talked about the credit crunch affecting small businesses. We haven't eased that. This legislation would provide for the SBA, using the same standards it uses today for their SBA loans, to make direct loans to small companies in order to get our economy back on track by helping small businesses. It will create more jobs. It increases the SBA 7(a) program from \$2 million to \$5 million. It increases the microloan program from \$35,000 to \$50,000. It increases the SBA 504 loan program from \$1.5 million to \$5.5 million. These increases in loan limits are desperately needed if we are going to be realistic in today's marketplace as the type of loans businesses need in order to expand jobs.

There are two more things this bill does that I wish to mention that are a direct help to small business. One is the sense of the Congress that the SBA Administrator should be a Cabinet-level position. I think we need to make sure an advocate for small business has the ear of our President. We know what happened in 2009. We know we had to bail out Wall Street and we had to deal with the large banks in order to save our system from going off a cliff. We all understand that. But we also know there were certain commitments made to help small businesses. Yet it never got into your community banks, into your States or to your small businesses. We need the advocate for small businesses to have a direct line to the President. For that reason, I urge that the SBA Administrator be a part of the Cabinet.

Another part of the bill expresses a sense of Congress that the financial institutions that have benefited from our bailout carry out what they said they would do; that is, loan money to small companies. They say they are doing it, but the evidence shows the reverse, that they are not making these types of loans. I think it would be interesting to see exactly what types of loans these banks that relied upon the Federal Government are making to help our communities. I think we all would be disappointed to see their lack of participation in small company financing which could create jobs in our communities.

The last provision of the bill provides for offsets to make sure it is fully paid. I don't believe we should add to the deficit. I think this bill will help create jobs, help us deal with the economic growth of America, and deal with narrowing the budget deficit through economic growth. I think we all have a responsibility to make sure we have adequate offsets in the bill so we don't add further to the Federal deficit. That is called budget discipline. We talked about that a little bit on the floor of the Senate today. This bill is fully paid for through offsets.

I urge my colleagues, as we look in the weeks ahead at what we will call a jobs bill, which will help put more Americans to work—and I fully support that—that we follow the leadership of our President. The first thing he mentioned in the State of the Union Address last night was that we ought to pay attention to small businesses. I agree with the President. I hope that is a major part of our jobs bill; that it will be provisions that will provide tax credits for new job hires, help for small businesses dealing with health insurance and that it will increase the SBA's capacity to make loans to small businesses and will, indeed, provide a new avenue for opening credit to small businesses, putting the spotlight on the banking community so they do more, as they should, to help small businesses grow so we can create new jobs and grow our economy. That should be our first priority. I pledge to work with

my colleagues in the Senate and work with the administration so we can get the job done in the Senate.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 400—URGING THE IMPLEMENTATION OF A COMPREHENSIVE STRATEGY TO ADDRESS INSTABILITY IN YEMEN

Mr. KERRY (for himself, Mr. FEINGOLD, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 400

Whereas al Qaeda-affiliated terrorist groups operating in the Republic of Yemen are a threat to the national security of the United States;

Whereas on October 12, 2000, an explosives-laden motorboat detonated alongside the United States Navy destroyer USS Cole while it was docked in the Yemeni port of Aden, killing 17 members of the United States armed forces and wounding 39 others in the deadliest terrorist attack against the United States military since the 1983 attack on United States Marine barracks in Beirut, Lebanon;

Whereas on September 17, 2008, after several previous failed attacks, Yemeni militants attacked the entrance of the United States Embassy in Sana'a, Yemen, killing 17 people, including a United States citizen;

Whereas al Qaeda in the Arabian Peninsula has claimed responsibility for the alleged attempt by a Nigerian national, Umar Farouk Abdulmutallab, to detonate explosives on board Northwest Airlines flight 253 bound for Detroit, Michigan on Christmas Day 2009;

Whereas members of al Qaeda in the Arabian Peninsula have used Yemeni territory as a base from which to launch attacks against the Kingdom of Saudi Arabia, including an August 2009 assassination attempt that injured Deputy Interior Minister for Security Affairs Prince Mohammed bin Nayef bin Abdul Aziz al Saud;

Whereas the Government of Yemen, since December 17, 2009, has undertaken a number of military operations against al Qaeda in the Arabian Peninsula leadership;

Whereas stability in Yemen is threatened by rapid population growth, endemic poverty, the inadequate provision of basic services, widespread corruption, and natural resource shortages stemming from extreme water scarcity and dwindling oil production;

Whereas a tribal insurgency in northern Yemen being waged by al-Houthi fighters and a southern secessionist movement threaten the stability of Yemen;

Whereas hundreds of thousands of Somalis and Ethiopians are seeking asylum in Yemen to escape civil war, political grievances, and poverty;

Whereas these refugees create significant additional pressures on Yemen's limited resources and government institutions;

Whereas the February 2009 Department of State report on Human Rights in Yemen found that "significant human rights problems persisted," including "reports of arbitrary and unlawful killings by government forces, politically motivated disappearances, and torture in many prisons";

Whereas on January 21, 2010, Secretary of State Clinton remarked, "The success of [United States Government assistance to Yemen] depends upon Yemen's ability to make the tough choices necessary to im-

prove the capacity to govern, to reform its economy, to protect human rights, to combat corruption, and create a better environment for business and investment.";

Whereas the weakening of government institutions in Yemen could contribute to the ability of al Qaeda-inspired and affiliated militants to recruit, train, and plan terrorist operations against United States targets in the Middle East and in the United States;

Whereas potential large-scale population displacement and migration from Yemen due to civil conflict, economic collapse, or resource failure could jeopardize the stability and security of the region;

Whereas al Qaeda in the Arabian Peninsula, al Qaeda in East Africa, and al-Shabab militants could take advantage of instability in Somalia and Yemen to expand their reach and effectiveness;

Whereas the United States recognizes the importance of cooperating with Yemen to counter the al Qaeda threat, promote economic development, and preserve Yemen's stability as it seeks to expand good governance;

Whereas in September 2009, USAID and Yemen signed a 3-year economic assistance agreement to fund development projects in the fields of health, education, democracy and governance, agriculture and economic development;

Whereas President Obama has significantly increased United States military and economic assistance to Yemen, including—

(1) \$66,800,000 in fiscal year 2009 to build the capacity of the Yemeni military to conduct counterterrorist operations; and

(2) \$52,500,000 in fiscal year 2010 for economic assistance administered by the Department of State;

Whereas Yemen aspires to join the Gulf Cooperation Council, some of whose members pledged more than \$4,000,000,000 to support Yemen's economic development at a November 2006 international donors conference in London; and

Whereas the challenges of Yemeni stability are not just a concern for the United States and Yemen, but are also a concern for countries in the region and for the entire international community:

Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms its commitment to helping prevent state collapse in Yemen, denying terrorists a safe-haven, and supporting the people and Government of Yemen in dealing with Yemen's profound and interlocking security, development, and economic challenges;

(2) reaffirms its commitment to disrupting, dismantling, and defeating al-Qaeda and affiliated movements worldwide;

(3) urges the Government of Yemen to strengthen and sustain efforts against al Qaeda in the Arabian Peninsula;

(4) calls upon the Government of Yemen to strengthen efforts to address corruption, to respect human rights, and to work with its citizens and the international community to address the significant factors driving the instability in Yemen;

(5) calls upon the international community to closely coordinate and strengthen assistance programs in Yemen;

(6) recognizes the critical role of Saudi Arabia and other members of the Gulf Cooperation Council in these assistance programs;

(7) urges intensive dialogue toward ceasing armed hostilities through a negotiated political settlement between the Government of Yemen and the Houthi rebellion;

(8) requests that the Secretary of State, the Secretary of Defense, and the Director of National Intelligence submit a joint, comprehensive strategy for Yemen, in classified