of child marriage, and for other purposes.

S. 474

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 474, a bill to reform the regulatory process to ensure that small businesses are free to compete and to create jobs, and for other purposes.

S. 496

At the request of Mr. MCCAIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 496, a bill to amend the Food, Conservation, and Energy Act to repeal a duplicative program relating to inspection and grading of catfish.

S. 501

At the request of Mr. THUNE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 501, a bill to establish pilot projects under the Medicare program to provide incentives for home health agencies to utilize home monitoring and communications technologies.

S. 509

At the request of Mr. UDALL of Colorado, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 509, a bill to amend the Federal Credit Union Act, to advance the ability of credit unions to promote small business growth and economic development opportunities, and for other purposes.

S. 512

At the request of Mr. BINGAMAN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 512, a bill to amend the Energy Policy Act of 2005 to require the Secretary of Energy to carry out programs to develop and demonstrate 2 small modular nuclear reactor designs, and for other purposes.

S. 514

At the request of Mr. WYDEN, the name of the Senator from Wisconsin (Mr. JOHNSON) was added as a cosponsor of S. 514, a bill to amend chapter 21 of title 5, United States Code, to provide that fathers of permanently disabled or deceased veterans shall be included with mothers of such veterans as preference eligibles for treatment in the civil service.

S. RES. 51

At the request of Mr. MENENDEZ, the names of the Senator from Delaware (Mr. CARPER), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. Res. 51, a resolution recognizing the 190th anniversary of the independence of Greece and celebrating Greek and American democracy.

S. RES. 87

At the request of Mr. COCHRAN, the names of the Senator from Nebraska (Mr. JOHANNS) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. Res. 87, a resolution designating the year of 2012 as the ''International Year of Cooperatives''.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. UDALL of New Mexico, Mr. SCHUMER, Mr. KYL, and Mr. BENNET):

S. 517. A bill to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes; to the Committee on the Judiciary.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Katie Sepich Enhanced DNA Collection Act of 2011. I am pleased that Senators KYL, UDALL of New Mexico, SCHUMER, and BENNET of Colorado are joining me today in sponsoring this important piece of legislation. Congressman SCHIFF and REICHERT are also introducing this bipartisan bill in the House.

Similar legislation, which was championed in the House of Representatives by Congressman TEAGUE, overwhelmingly passed that body last year with a bipartisan vote of 357 to 32. Unfortunately, efforts to move the legislation last year were unsuccessful in the Senate. I look forward to working with my colleagues to pass this bipartisan bill in the Senate this Congress.

The bill is named after Katie Sepich, a promising graduate student attending New Mexico State University who was tragically murdered in 2003. The man who killed Katie was arrested for aggravated assault about 3 months after the murder. Although police had collected the killer's DNA from the crime scene, because there was no requirement that DNA be taken from individuals arrested for serious felonies, police weren't able to get a match until about 3 years after the murder when the man was sent to prison after being convicted of unrelated crimes.

If New Mexico had the arrestee law then that it has today it would have taken 3 months, not 3 years, to solve the crime. Katie's mother, Jayann, has worked tirelessly at the state and Federal level to give law enforcement the tools they need to promptly solve crimes and ensure that other mothers don't have to suffer the same horrible ordeal that her family has.

We can't get Katie back, or the other lives that have been lost to these senseless crimes, but we can do something to help solve cases and prevent similar crimes from occurring in the future. One such step is to enhance the capacity of States to collect the DNA of individuals arrested for certain felony crimes, which would substantially increase the ability of law enforcement to match DNA found at crimes scenes with that of suspects and individuals who have been previously arrested, charged, or convicted of crimes.

The Federal Government and about half the states, including New Mexico, currently collect arrestee DNA for serious offenses. This has proven to be a very effective tool in solving cases, and it makes sense to incentivize States to continue and to expand this effort. Since New Mexico implemented ''Katie's Law'' in 7007, there have been about 100 matches of arrestees. It is also important to note that DNA collection has not only demonstrated its effectiveness in terms of saving lives and preventing crimes, but it has also proved to be an important means of ensuring that innocent individuals are not mistakenly jailed for crimes they did not commit.

Let me take a moment to specifically describe what this legislation would, and would not, do. First, this legislation is aimed at creating an incentive for states to enact arrestee DNA collection program's. It is not a mandate. States that meet minimum collection guidelines could apply for DOJ grant assistance in covering the first-year costs that they have incurred or will incur in implementing the standards. If they enact laws in accordance with the enhanced guidelines, States would be eligible for an additional bonus payment.

Second, the bill encourages DNA testing for serious felonies, such as murder, sex crimes, aggravated assault, and burglary. It is narrowly tailored to apply to the most serious crimes. Third, the legislation provides that all of the expungement provisions under Federal law are applicable. Arrestees who have their DNA included in the Federal database may have their records expunged if their conviction is overturned, they are acquitted, or charges are dismissed or not filed within the applicable time period. Furthermore, the bill provides that as a condition of receiving a grant States must notify individuals who submit samples of the relevant expungement procedures and post the information on a public Web site.

Lastly, I would like to address the concerns some have raised about the constitutionality of collecting arrestee DNA. Although courts have upheld the collection of arrestee DNA, I recognize that the question of whether the collection of a DNA sample from an arrestee is consistent with the Fourth Amendment isn't a completely settled question of law. Some courts have viewed the collection as something akin to fingerprinting and other courts have viewed it as a more intrusive search, such as the taking of a blood sample. However, the Department of Justice has stated that it believes that this legislation is constitutional and is supportive of encouraging states to pass DNA arrestee laws. I believe that such programs, with appropriate safeguards in place, have demonstrated that they can be a very effective mechanism to save lives, solve crimes, and prevent wrongful convictions.

For these reasons, I urge my colleagues to support this important legislation.

By Mr. JOHNSON of South Dakota (for himself, Mr. CRAPO, Mr. HARKIN, Mr. MORAN, Mr. BENNET, Mr. COCHRAN, Mr. MERKLEY, Mr. ROBERTS, Mrs. GILLIBRAND, Mr. BARRASSO, Ms. LANDRIEU, Mr. RISCH, Ms. KLOBUCHAR, and Mr. ISAKSON):

S. 518. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Finance.

Mr. JOHNSON of South Dakota. Mr. President, I rise today to reintroduce legislation with my friend, Senator MIKE CRAPO of Idaho, that will exempt Veterinary Medicine Loan Repayment Program, VMLRP, awards from federal income taxation. I drafted this bipartisan bill with the intention of increasing veterinary services in underserved shortage areas that lack adequate veterinary expertise.

The United States Department of Agriculture's, USDA, Veterinary Medicine Loan Repayment Program was authorized in 2003 by the National Veterinary Medical Services Act, NVMSA, to help qualified veterinarians offset a significant amount of the debt they accrue while pursuing their degrees if they in turn serve in high-priority veterinary shortage areas for a certain length of time. However, the awards are currently taxed at a rate of 39 percent. This taxation is counterproductive and only delays delivery of veterinary services to areas that are in desperate need.

In determining whether an area is eligible for assistance under the VMLRP, USDA has the ability to declare ''shortage situations,'' in which the Department makes declarations of veterinary shortage areas. Currently, there are two circumstances that lead to such designations. The first is by geography, when a given geographic area suffers a shortage of veterinarians overall. The second occurs when areas suffer a shortage of veterinarians who practice in a particular field of veterinary specialty. My home State of South Dakota currently has four designated shortage situations. Two of these designations are statewide designations noting a shortage of practitioners in veterinary specialties. On a national scale, there are 1,300 counties in the United States that have less than one food animal veterinarian per 25,000 farm animals. Additionally, there are 500 counties that have at least 5,000 farm animals and not a single veterinarian. Bear in mind, the demand for veterinarians across our country could increase 14 percent by 2016.

South Dakota is truly a wonderful place to call home, but it is not always an easy place to earn a living. This is especially true for young people who are just starting out and are saddled with crushing levels of school debt. I have long fought for legislation that makes it easier for students to pay off their loans and to encourage others who may be reluctant to pursue higher education degrees, due to a lack of financial resources, especially when it comes to costly professional degrees including veterinary medicine. My legislation will help students pursue their educational goals, while also providing important services to underserved rural areas by enhancing the assistance veterinary graduates receive in exchange for meaningful public service.

Agriculture is the top contributor to our South Dakota economy. For those farmers and ranchers who make their living in agriculture, this is more than a job; it is a way of life. Our ranchers, many of whom operate in very rural areas, rely on the access they have to qualified veterinarians to care for their livestock. Adequate access to veterinary care in rural areas is critical for both human and animal health, as well as animal welfare, disease surveillance, public safety and economic development across America. Everyone in America benefits from the veterinary services provided in even the most remote areas of our nation. As such, I am committed to doing all I can to help bring veterinarians to underserved parts of our state.

I am proud to have fought for the establishment of the VMLRP program, and through my seat on the Senate Appropriations Committee, I have worked year after year to secure its proper funding. Unfortunately, however, the taxes assessed on these benefits prevent us from using congressionally appropriated funding to the fullest extent. For every three veterinarians selected for the loan repayment awards, an additional veterinarian could also be selected to serve in an underserved shortage area if the program was made exempt from taxes. Such a tax exemption is not without precedent; Congress exempted from taxation the assistance received by participants in the National Health Services Corps, NHSC, in 2004, and I hope that my colleagues will join me in extending this same type of assistance to veterinarians participating in the VMLRP program.

It should be noted that nearly 140 organizations from across the nation have announced their support for a tax exemption for VMLRP, including the American Veterinary Medical Association, American Association of Equine Practitioners, the American Farm Bureau Federation, the American Sheep Industry Association, the National Farmers Union, and the South Dakota Veterinary Medical Association, South Dakota Farm Bureau, South Dakota Farmers Union, South Dakota Cattlemen's Association, South Dakota Stockgrowers Association and many, many others.

Agriculture is the economic engine that drives our rural communities, and without viable family farms and ranchers, our small towns and Main Street businesses throughout South Dakota and our nation would face significant hardships. It is absolutely essential that our agricultural producers have access to the services they need to be successful and responsible, and the Veterinary Medicine Loan Repayment Program Enhancement Act will help make that possible.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

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

AMERICAN VETERINARY MEDICAL ASSOCIATION GOVERNMENTAL RELATIONS DIVISION,

Washington, DC.

STATEMENT OF SUPPORT FOR THE VETERINARY MEDICINE LOAN REPAYMENT PROGRAM ENHANCEMENT ACT

The undersigned organizations urge Congress to pass the Veterinary Medicine Loan Repayment Program Enhancement Act, which will provide a federal income tax exemption for payments received under the Veterinary Medicine Loan Repayment Program (VMLRP) and similar state programs.

Since Congress passed the ''National Veterinary Medical Services Act'' (PL 108–161) on Dec. 6, 2003, it has appropriated $9.6 million for awards. About $3.75 million of this amount will be used by the Agriculture Secretary to pay taxes on the awards. Every dollar spent on taxes is one less available for loan repayment awards. If awards are made tax exempt, one additional veterinarian can be selected for every three awarded under current law.

The first 62 veterinarians were selected for VMLRP awards in September 2010. These veterinarians will practice food supply medicine and veterinary public health in federally designated shortage situations across the country. The selected group of veterinarians will receive up to $25,000 annually for three years to repay student loans. Each VMLRP award including taxes for three years costs approximately $104,250 per veterinarian ($75,000 for loan repayment and $29,250 for taxes).

Congress set a precedent for tax exemption. The National Health Service Corps (NHSC) loan repayment program (counterpart program for human medicine) was exempted by ''The American Jobs Creation Act of 2004'' (H.R. 4520, P.L. 108–357), enacted on Oct. 22, 2004. Prior to this legislative change, NHSC loan repayment awards were treated as taxable income.

Veterinarians selected for VMLRP provide a wide array of necessary veterinary services for farmers' and ranchers' livestock including beef and dairy cows, poultry, swine, goats, sheep, and farm horses. VMLRP veterinarians ensure animal health and welfare while protecting the nation's food supply. They provide veterinarian-accredited medical procedures including routine services (vaccination, castration and dehorning) and emergency services (for acute illness, trauma, dystocia or obstetrical difficulties). Other services performed include those required for interstate movement of livestock, including commuter agreements and animal health testing requirements needed to ship livestock. VMLRP veterinarians perform tuberculosis checks and accredited blood sample services for Brucellosis, Bluetongue, and Bovine Viral Diarrhea. Additionally, they may provide reproduction management consultation services and consultation in health care programs and nutrition, disease surveillance and diagnostics for state and federal disease programs and foreign animal diseases. They may also play a role in a state's

veterinary emergency response team and take part in disease control and eradication programs.

Exempting veterinary medicine loan repayment and forgiveness program awards from federal income taxation will lead to more communities having needed veterinary services sooner than they may otherwise. We strongly support Congress' efforts to ensure that our nation's livestock are healthy, that our food supply is safe and secure, and our public health is protected.

Sincerely,

American Veterinary Medical Association, Academy of Rural Veterinarians, Alabama Veterinary Medical Association, Alaska Veterinary Medical Association, American Animal Hospital Association, American Academy of Veterinary Nutrition, American Association for Laboratory Animal Science, American Association of Avian Pathologists, American Association of Bovine Practitioners, American Association of Corporate and Public Practice Veterinarians, American Association of Equine Practitioners, American Association of Feline Practitioners, American Association of Food Hygiene Veterinarians, American Association of Public Health Veterinarians, American Association of Small Ruminant Practitioners.

American Association of Swine Veterinarians, American Association of Veterinary Clinicians, American Association of Veterinary Laboratory Diagnosticians, American Association of Zoo Veterinarians, American Board of Veterinary Practitioners, American Board of Veterinary Toxicology, American College of Laboratory Animal Medicine, American College of Poultry Veterinarians, American College of Theriogenologists, American College of Veterinary Dermatology, American College of Veterinary Pathologists, American College of Veterinary Radiology, American Dairy Science Association, American Farm Bureau Federation,® American Feed Industry Association.

American Horse Council, American Meat Institute, American Rabbit Breeders Association, Inc., American Sheep Industry Association, American Society of Animal Science, American Society of Laboratory Animal Practitioners, American Veal Association, American Veterinary Medical Foundation, Animal Agriculture Alliance's, Animal Health Institute, Animal Welfare Institute, Arizona Veterinary Medical Association, Arkansas Veterinary Medical Association, Association for Women Veterinarians Foundation, Association of American Veterinary Medical Colleges.

Association of Avian Veterinarians, Association of Veterinary Biologics Companies, Association of Zoos & Aquariums, Bayer Animal Health, Boehringer Ingelheim Vetmedica, Inc., California Veterinary Medical Association, Center for Rural Affairs, Colorado Veterinary Medical Association, Connecticut Veterinary Medical Association, Delaware Veterinary Medical Association, District of Columbia Veterinary Medical Association, Elanco Animal Health (A Division of Eli Lilly & Company), Federation for Animal Science Societies, Florida Veterinary Medical Association, Georgia Veterinary Medical Association.

Hawaii Veterinary Medical Association, Idaho Veterinary Medical Association, Illinois State Veterinary Medical Association, Indiana Veterinary Medical Association, International Lama Registry, Iowa Veterinary Medical Association, Kansas Bioscience Authority, Kansas City Animal Health Corridor, Kansas Veterinary Medical Association, Kentucky Veterinary Medical Association, Livestock Marketing Association, Louisiana Veterinary Medical Association, Maine Veterinary Medical Association, Maryland Veterinary Medical Association, Inc., Massachusetts Veterinary Medical Association.

Michigan Veterinary Medical Association, Minnesota Veterinary Medical Association, Mississippi Veterinary Medical Association, Missouri Veterinary Medical Association, Montana Veterinary Medical Association, National Aquaculture Association, National Association of Federal Veterinarians, National Association of State Departments of Agriculture, National Association of State Public Health Veterinarians, National Chicken Council, National Council of Farmer Cooperatives, National Dairy Herd Information Association, National Farmers Union, National Institute for Animal Agriculture, National Livestock Producers Association.

National Milk Producers Federation, National Pork Producers Council, National Renderers Association, National Turkey Federation, Nebraska Veterinary Medical Association, Nevada Veterinary Medical Association, New Hampshire Veterinary Medical Association, New Jersey Veterinary Medical Association, New York State Veterinary Medical Society, North American Deer Farmers Association, North Carolina Veterinary Medical Association, North Dakota Veterinary Medical Association, Northeast States Association for Agriculture Stewardship, Ohio Veterinary Medical Association, Oklahoma Veterinary Medical Association.

Oregon Veterinary Medical Association, Pet Food Institute, Pfizer Animal Health, Puerto Rico Veterinary Medical Association (Colegio de Medicos Veterinarios de Puerto Rico), Pennsylvania Veterinary Medical Association, Poultry Science Association, Rhode Island Veterinary Medical Association, Rocky Mountain Farmers Union, Silliker, Inc., Society for Theriogenology, South Carolina Association of Veterinarians, South Dakota Cattlemen's Association, South Dakota Farmers Union, South Dakota Pork Producers Council, South Dakota Stockgrowers Association.

South Dakota Veterinary Medical Association, South Dakota Farm Bureau, State Agriculture and Rural Leaders, Student American Veterinary Medical Association, Synbiotics Corporation, Tennessee Veterinary Medical Association, Texas Veterinary Medical Association, United Egg Producers, United States Animal Health Association, U.S. Cattlemen's Association, Utah Veterinary Medical Association, Vermont Veterinary Medical Association, Virginia Veterinary Medical Association, Washington State Veterinary Medical Association, Wisconsin Veterinary Medical Association, Wyoming Veterinary Medical Association.

By Mr. REID (for himself, Mr. ENSIGN, Mrs. BOXER, and Mrs. FEINSTEIN):

S. 519. A bill to further allocate and expand the availability of hydroelectric power generated at Hoover Dam, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. 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. 519

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 ''Hoover Power Allocation Act of 2011''.

SEC. 2. ALLOCATION OF CONTRACTS FOR POWER.

(a) SCHEDULE A POWER.—Section 105(a)(1)(A) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(A)) is amended—

(1) by striking ''renewal'';

(2) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(3) by striking Schedule A and inserting the following:

''Schedule A

Long-term Schedule A contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
Metropolitan Water District of Southern California	249,948	859,163	368,212	1,227,375
City of Los Angeles	495,732	464,108	199,175	663,283
Southern California Edison Company	280,245	166,712	71,448	238,160
City of Glendale	18,178	45,028	19,297	64,325
City of Pasadena	11,108	38,622	16,553	55,175
City of Burbank	5,176	14,070	6,030	20,100
Arizona Power Authority	190,869	429,582	184,107	613,689
Colorado River Commission of Nevada	190,869	429,582	184,107	613,689
United States, for Boulder City	20,198	53,200	22,800	76,000
Totals	1,462,323	2,500,067	1,071,729	3,571,796''.

(b) SCHEDULE B POWER.—Section 105(a)(1)(B) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(B)) is amended to read as follows:

''(B) To each existing contractor for power generated at Hoover Dam, a contract, for delivery commencing October 1, 2017, of the amount of contingent capacity and firm energy specified for that contractor in the following table:

''Schedule B

Long-term Schedule B contingent capacity and associated firm energy for offers of contracts to Boulder Canyon project contractors

Contractor	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
City of Glendale	2,020	2,749	1,194	3,943
City of Pasadena	9,089	2,399	1,041	3,440
City of Burbank	15,149	3,604	1,566	5,170
City of Anaheim	40,396	34,442	14,958	49,400
City of Azusa	4,039	3,312	1,438	4,750
City of Banning	2,020	1,324	576	1,900
City of Colton	3,030	2,650	1,150	3,800
City of Riverside	30,296	25,831	11,219	37,050
City of Vernon	22,218	18,546	8,054	26,600
Arizona	189,860	140,600	60,800	201,400
Nevada	189,860	273,600	117,800	391,400
Totals	507,977	509,057	219,796	728,853''.

(c) SCHEDULE C POWER.—Section 105(a)(1)(C) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)(1)(C)) is amended—

(1) by striking ''June 1, 1987'' and inserting ''October 1, 2017''; and

(2) by striking Schedule C and inserting the following:

''Schedule C

Excess Energy

Priority of entitlement to excess energy	State
First: Meeting Arizona's first priority right to delivery of excess energy which is equal in each year of operation to 200 million kilowatthours: Provided, That in the event excess energy in the amount of 200 million kilowatthours is not generated during any year of operation, Arizona shall accumulate a first right to delivery of excess energy subsequently generated in an amount not to exceed 600 million kilowatthours, inclusive of the current year's 200 million kilowatthours. Said first right of delivery shall accrue at a rate of 200 million kilowatthours per year for each year excess energy in an amount of 200 million kilowatthours is not generated, less amounts of excess energy delivered.	Arizona
Second: Meeting Hoover Dam contractual obligations under Schedule A of subsection (a)(1)(A), under Schedule B of subsection (a)(1)(B), and under Schedule D of subsection (a)(2), not exceeding 26 million kilowatthours in each year of operation.	Arizona, Nevada, and California
Third: Meeting the energy requirements of the three States, such available excess energy to be divided equally among the States.	Arizona, Nevada, and California''.

(d) SCHEDULE D POWER.—Section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by inserting after paragraph (1) the following:

''(2)(A) The Secretary of Energy is authorized to and shall create from the apportioned allocation of contingent capacity and firm energy adjusted from the amounts authorized in this Act in 1984 to the amounts shown in Schedule A and Schedule B, as modified by the Hoover Power Allocation Act of 2011, a resource pool equal to 5 percent of the full rated capacity of 2,074,000 kilowatts, and associated firm energy, as shown in Schedule D (referred to in this section as 'Schedule D contingent capacity and firm energy'):

''Schedule D

Long-term Schedule D resource pool of contingent capacity and associated firm energy for new allottees

State	Contingent capacity (kW)	Firm energy (thousands of kWh)		
		Summer	Winter	Total
New Entities Allocated by the Secretary of Energy	69,170	105,637	45,376	151,013
New Entities Allocated by State				
Arizona	11,510	17,580	7,533	25,113
California	11,510	17,580	7,533	25,113
Nevada	11,510	17,580	7,533	25,113
Totals	103,700	158,377	67,975	226,352

''(B) The Secretary of Energy shall offer Schedule D contingency capacity and firm energy to entities not receiving contingent capacity and firm energy under subparagraphs (A) and (B) of paragraph (1) (referred to in this section as 'new allottees') for delivery commencing October 1, 2017 pursuant to this subsection. In this subsection, the term 'the marketing area for the Boulder City Area Projects' shall have the same meaning as in appendix A of the General Consolidated Power Marketing Criteria or Regulations for Boulder City Area Projects published in the Federal Register on December 28, 1984 (49 Federal Register 50582 et seq.) (referred to in this section as the 'Criteria').

''(C)(i) Within 36 months of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy shall allocate through the Western Area Power Administration (referred to in this section as 'Western'), for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder City Area Projects and that are—

''(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or

''(II) federally recognized Indian tribes.

''(ii) In the case of Arizona and Nevada, Schedule D contingent capacity and firm energy for new allottees other than federally recognized Indian tribes shall be offered through the Arizona Power Authority and the Colorado River Commission of Nevada, respectively. Schedule D contingent capacity and firm energy allocated to federally recognized Indian tribes shall be contracted for directly with Western.

''(D) Within 1 year of the date of enactment of the Hoover Power Allocation Act of 2011, the Secretary of Energy also shall allocate, for delivery commencing October 1, 2017, for use in the marketing area for the Boulder City Area Projects 11.1 percent of the Schedule D contingent capacity and firm energy to each of—

''(i) the Arizona Power Authority for allocation to new allottees in the State of Arizona;

''(ii) the Colorado River Commission of Nevada for allocation to new allottees in the State of Nevada; and

''(iii) Western for allocation to new allottees within the State of California, provided that Western shall have 36 months to complete such allocation.

''(E) Each contract offered pursuant to this subsection shall include a provision requiring the new allottee to pay a proportionate share of its State's respective contribution (determined in accordance with each State's applicable funding agreement) to the cost of the Lower Colorado River Multi-Species Conservation Program (as defined in section 9401 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1327)), and to execute the Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 (referred to in this section as the 'Implementation Agreement').

''(F) Any of the 66.7 percent of Schedule D contingent capacity and firm energy that is to be allocated by Western that is not allocated and placed under contract by October 1, 2017, shall be returned to those contractors shown in Schedule A and Schedule B in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy. Any of the 33.3 percent of Schedule D contingent capacity and firm energy that is to be distributed within the States of Arizona, Nevada, and California that is not allocated and placed under contract by October 1, 2017, shall be returned to the Schedule A and Schedule B contractors within the State in which the Schedule D contingent capacity and firm energy were to be distributed, in the same proportion as those contractors' allocations of Schedule A and Schedule B contingent capacity and firm energy.''.

(e) TOTAL OBLIGATIONS.—Paragraph (3) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) in the first sentence, by striking ''schedule A of section 105(a)(1)(A) and schedule B of section 105(a)(1)(B)'' and inserting ''paragraphs (1)(A), (1)(B), and (2)''; and

(2) in the second sentence—

(A) by striking ''any'' and inserting ''each'';

(B) by striking ''schedule C'' and inserting ''Schedule C''; and

(C) by striking ''schedules A and B'' and inserting ''Schedules A, B, and D''.

(f) POWER MARKETING CRITERIA.—Paragraph (4) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended to read as follows:

''(4) Subdivision E of the Criteria shall be deemed to have been modified to conform to this section, as modified by the Hoover Power Allocation Act of 2011. The Secretary of Energy shall cause to be included in the Federal Register a notice conforming the text of the regulations to such modifications.''.

(g) CONTRACT TERMS.—Paragraph (5) of section 105(a) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(a)) (as redesignated as subsection (d)(1)) is amended—

(1) by striking subparagraph (A) and inserting the following:

''(A) in accordance with section 5(a) of the Boulder Canyon Project Act (43 U.S.C. 617d(a)), expire September 30, 2067;'';

(2) in the proviso of subparagraph (B)—

(A) by striking ''shall use'' and inserting ''shall allocate''; and

(B) by striking ''and'' after the semicolon at the end;

(3) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

''(D) authorize and require Western to collect from new allottees a pro rata share of Hoover Dam repayable advances paid for by contractors prior to October 1, 2017, and remit such amounts to the contractors that paid such advances in proportion to the amounts paid by such contractors as specified in section 6.4 of the Implementation Agreement;

''(E) permit transactions with an independent system operator; and

''(F) contain the same material terms included in section 5.6 of those long-term contracts for purchases from the Hoover Power Plant that were made in accordance with this Act and are in existence on the date of enactment of the Hoover Power Allocation Act of 2011.''.

(h) EXISTING RIGHTS.—Section 105(b) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(b)) is amended by striking ''2017'' and inserting ''2067''.

(i) OFFERS.—Section 105(c) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(c)) is amended to read as follows:

''(c) OFFER OF CONTRACT TO OTHER ENTITIES.—If any existing contractor fails to accept an offered contract, the Secretary of Energy shall offer the contingent capacity and firm energy thus available first to other entities in the same State listed in Schedule A and Schedule B, second to other entities listed in Schedule A and Schedule B, third to other entities in the same State which receive contingent capacity and firm energy under subsection (a)(2) of this section, and last to other entities which receive contingent capacity and firm energy under subsection (a)(2) of this section.''.

(j) AVAILABILITY OF WATER.—Section 105(d) of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a(d)) is amended to read as follows:

''(d) WATER AVAILABILITY.—Except with respect to energy purchased at the request of an allottee pursuant to subsection (a)(3), the obligation of the Secretary of Energy to deliver contingent capacity and firm energy pursuant to contracts entered into pursuant to this section shall be subject to availability of the water needed to produce such contingent capacity and firm energy. In the event that water is not available to produce the contingent capacity and firm energy set forth in Schedule A, Schedule B, and Schedule D, the Secretary of Energy shall adjust the contingent capacity and firm energy offered under those Schedules in the same proportion as those contractors' allocations of Schedule A, Schedule B, and Schedule D contingent capacity and firm energy bears to the full rated contingent capacity and firm energy obligations.''.

(k) CONFORMING AMENDMENTS.—Section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) is amended—

(1) by striking subsections (e) and (f); and

(2) by redesignating subsections (g), (h), and (i) as subsections (e), (f), and (g), respectively.

(l) CONTINUED CONGRESSIONAL OVERSIGHT.—Subsection (e) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a)) (as redesignated by subsection (k)(2)) is amended—

(1) in the first sentence, by striking ''the renewal of''; and

(2) in the second sentence, by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

(m) COURT CHALLENGES.—Subsection (f)(1) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended in the first sentence by striking ''this Act'' and inserting ''the Hoover Power Allocation Act of 2011''.

(n) REAFFIRMATION OF CONGRESSIONAL DECLARATION OF PURPOSE.—Subsection (g) of section 105 of the Hoover Power Plant Act of 1984 (43 U.S.C. 619a) (as redesignated by subsection (k)(2)) is amended—

(1) by striking ''subsections (c), (g), and (h) of this section'' and inserting ''this Act''; and

(2) by striking ''June 1, 1987, and ending September 30, 2017'' and inserting ''October 1, 2017, and ending September 30, 2067''.

SEC. 3. PAYGO.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

By Mrs. FEINSTEIN:

S. 524. A bill to terminate certain hydropower reservations, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to remove the encumbrances from land patents for a dam project that will never be built. This will enable the current owner of the land to sell or bequeath his land more easily.

Donald Smith and his family acquired two parcels of undeveloped public land in Madera County, California by patent of the United States in 1983 and 1987. These parcels, comprising 103.26 acres and 41.323 acres, respectively, are adjacent to U.S. Forest Service land.

In the early 1980s, the U.S. Government anticipated that a hydroelectric power project might someday be built in the vicinity, causing all or a portion of these lands to be inundated with water. Accordingly, when it issued the 1983 patent to Mr. Smith, the Bureau of Land Management included a ''flowage easement'', reserving the right of the government to flood the lands for a power dam. In the mid-1980s, the Federal Energy Regulatory Commission determined that this reservation and others like it were ''non-essential'', and that no dam would be built. Accordingly, no easement was included in the 1987 patent, although some believe it was erroneously omitted.

Flowage easements constitute a cloud on the title to land, restricting its market value and the orderly disposition of his estate. Since FERC, and all potentially interested parties, including BLM, Southern California Edison and the U.S. Forest Service, have agreed that the easement in this instance serves no purpose, and no dam

will be built, clear title should be restored. The Solicitor of the Department of the Interior has decided this requires an Act of Congress.

Mr. Smith is now a senior citizen, and seeks to assure that his heirs will not be burdened by this matter and will benefit from the full fair market value of these now-verdant and recreational lands. Through enactment of this simple bill, the Congress will finally affirm a decision made by FERC in 1986, and restore ''clean'' title for benefit of Mr. Smith, his heirs and assigns.

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. 524

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

SECTION 1. TERMINATION OF HYDROPOWER RESERVATIONS.

(a) TERMINATION OF RESERVATION RELATING TO BUREAU OF LAND MANAGEMENT PATENT NUMBERED CA 6313.—The reservation under section 24 of the Federal Power Act (16 U.S.C. 818) of the Bureau of Land Management patent numbered CA 6313 and dated May 13, 1983, to the approximately 103.26 acres of land now owned by Donald L. Smith in Madera County, California, and more particularly described as a portion of secs. 25, 26, 35, and 36, T. 4 S., R. 24 E., Mount Diablo Meridian, is terminated.

(b) TERMINATION OF RESERVATION RELATING TO BUREAU OF LAND MANAGEMENT PATENT NUMBERED CA 19394.—To the extent that any reservation of use for hydropower could be determined to have been omitted under section 24 of the Federal Power Act (16 U.S.C. 818) from the Bureau of Land Management patent numbered CA 19394 and dated September 25, 1987, to the approximately 41.323 acres of land conveyed to Lindsay Smith, Peggy L. Birchim, Donald L. Smith, and Keith Smith, and more particularly described as comprising a portion of secs. 25 and 36, unsurveyed T. 4 S., R. 24 E., Mount Diablo Meridian, Jackass Mining District, Madera County, California, the reservation is terminated.

By Ms. COLLINS (for herself and Ms. MIKULSKI):

S. 525. A bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. COLLINS. Mr. President, I am pleased to join my colleague from Maryland, Senator MIKULSKI, in introducing the Positive Aging Act, which will help to increase older Americans' access to quality mental health screening and treatment services in community-based care settings.

The legislation we are introducing today is particularly important for States like Maine that have a disproportionate number of older persons. Fifteen percent of Maine's population is 65 or older, and, with the highest median age, Maine is the ''oldest'' State in the nation. Moreover, our percentage of older adults is increasing, and, by 2030, more than one in five Mainers will be over the age of 65.

One of the most daunting public health challenges facing our Nation today is how to increase access to quality mental health services for the more than 44 million Americans with severe, disabling mental disorders that can devastate their lives and the lives of the people around them.

What is often overlooked, however, is the prevalence of mental illness among our Nation's elderly. Studies have shown that more than one in five Americans aged 65 and older experience mental illness, and that as many as 80 percent of elderly persons in nursing homes suffer from some kind of mental impairment. Particularly disturbing is the fact that the mental health needs of older Americans are often overlooked or not recognized because of the mistaken belief that they are a normal part of aging and therefore cannot be treated.

While older Americans experience the full range of mental disorders, the most prevalent mental illness afflicting older people is depression. Ironically, while recent advances have made depression an eminently treatable disorder, only a minority of elderly depressed persons are receiving adequate treatment. Unfortunately, the vast majority of depressed elderly don't seek help. Many simply accept their feelings of profound sadness and do not realize that they are clinically depressed.

Moreover, those who do seek help are often underdiagnosed or misdiagnosed, leading the National Institute of Mental Health to estimate that 60 percent of older Americans with depression are not receiving the mental health care that they need. Failure to treat this kind of disorder leads to poorer health outcomes for other medical conditions, higher rates of institutionalization, and increased health care costs.

Fortunately, important research is being done that is developing innovative approaches to improve the delivery of mental health care for older adults by integrating it into primary care settings. This research demonstrates that older adults are more likely to receive appropriate mental health care if there is a mental health professional on the primary care team, rather than simply referring them to a mental health specialist outside the primary care setting. Multiple appointments with multiple providers in multiple settings simply don't work for older patients who must also cope with concurrent chronic illnesses, mobility problems, and limited transportation options. The research also shows that there is less stigma associated with psychiatric services when they are integrated into general medical care.

The Positive Aging Act builds upon this research and authorizes funding for projects that integrate mental health screening and treatment services into community sites and primary care settings. Specifically, the Positive Aging Act of 2011 would authorize the Substance Abuse and Mental Health Services Administration to fund demonstration projects to support integration of mental health services in primary care settings. It would also support grants for community-based mental health treatment outreach teams to improve older Americans' access to mental health services. To ensure that these geriatric mental health programs have proper attention and oversight, it would mandate the designation of a Deputy Director for Older Adult Mental Health Services in the Center for Mental Health Services, and it would also include representatives of older Americans or their families and geriatric mental health professionals on the Advisory Council for the Center for Mental Health Services. Finally, it would require state plans under Community Mental Health Services Block Grants to include descriptions of the states' outreach to and services for older individuals.

We are fortunate today to have a variety of effective treatments to address the mental health needs of American seniors. The Positive Aging Act will help to ensure that older Americans have access to these important services. I therefore urge my colleagues to sign on as cosponsors of the legislation, which has been endorsed by a broad coalition of mental health and senior organizations, including the Alzheimer's Association, the American Geriatrics Society, the American Psychiatric Association, the American Psychological Association, the American Association for Geriatric Psychiatry, and the National Council on Aging.

Mr. President, I ask uanimous consent that a letter of support be printed in the RECORD.

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

MARCH 7, 2011.

Hon. SUSAN M. COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. BARBARA A. MIKULSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND MIKULSKI: On behalf of the undersigned organizations, we are writing to applaud your ongoing commitment to the mental and behavioral health needs of older Americans and express our strong support for the Positive Aging Act, which you are planning to introduce in the near future. This important legislation will improve access to vital mental and behavioral health care for older adults by supporting the integration of mental health services in primary care and community settings.

An estimated 20 percent of community-based older adults in the U.S. have a mental health problem. These disorders can have a significant impact on both physical and mental health, often leading to increases in disease, disability, and mortality. In fact, men age 85 and older currently have the highest rates of suicide in our country and depression is the foremost risk factor. Evidence suggests that up to 75 percent of older adults who die by suicide have visited a primary

care professional within 30 days of their death. Although effective treatments exist, the mental health needs of many older Americans go unrecognized and untreated because of poorly integrated systems of care to address the physical and mental health needs of seniors.

The Positive Aging Act takes an important step toward improving access to quality mental and behavioral health care for older adults by integrating mental health services in primary care and community settings where older adults reside and receive services. By supporting collaboration between interdisciplinary teams of mental health professionals and other providers of health and social services, this legislation promotes an integrated approach to addressing the health and well being of our nation's growing older adult population.

We commend you for your leadership and commitment to the mental and behavioral health needs of older adults and look forward to working with you to ensure passage of the Positive Aging Act.

Sincerely,

Alzheimer's Association; Alzheimer's Foundation of America; American Assisted Living Nurses Association; American Association for Geriatric Psychiatry; American Association for Long Term Care Nursing; American Association for Psychoanalysis in Clinical Social Work; American Association for Psychosocial Rehabilitation; American Association on Health and Disability; American Foundation for Suicide Prevention/SPAN USA; American Geriatrics Society; American Group Psychotherapy Association; American Mental Health Counselors Association; American Nurses Association; American Occupational Therapy Association; American Orthopsychiatric Association; American Psychiatric Association; American Psychological Association; American Psychotherapy Association; American Society on Aging; Anxiety Disorders Association of America.

Association for Ambulatory Behavioral Healthcare; Bazelon Center for Mental Health Law; Clinical Social Work Association; Clinical Social Work Guild 49; Council of Professional Geropsychology Training Programs; Depression and Bipolar Support Alliance; Direct Care Alliance; Geriatric Mental Health Alliance of New York; Gerontological Society of America; Illinois Coalition on Mental Health and Aging; Iowa Coalition on Mental Health and Aging; Jewish Federation of Metropolitan Chicago; Jewish Federations of North America; Kansas Advocates for Better Care; Kansas Suicide Prevention Committee; Mental Health America; Midland Area Agency on Aging; National Alliance for Caregiving; National Association for Behavioral Health; National Association for Children's Behavioral Health.

National Association of Area Agencies on Aging; National Association of Social Workers; National Association of State Mental Health Program Directors; National Center for Assisted Living; National Coalition on Care Coordination; National Consumer Voice for Quality Long-Term Care; National Council for Community Behavioral Healthcare; National Council on Aging; National Council on Problem Gambling; National Foundation for Mental Health; New Hampshire Coalition on Substance Abuse, Mental Health & Aging; Oklahoma Mental Health and Aging Coalition; PHI—Quality Care through Quality Jobs; Psychologists in Long Term Care; US Psychiatric Rehabilitation Association; Witness Justice.

By Mr. PRYOR (for himself and Ms. SNOWE):

S. 532. A bill to establish the Patriot Express Loan Program under which the Small Business Administration may make loans to members of the military community wanting to start or expand small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Ms. SNOWE. Mr. President, I rise today to join with my friend and colleague, Senator MARK PRYOR, in introducing the Patriot Express Authorization Act of 2011. This legislation codifies a critical Small Business Administration, SBA, lending program for America's veterans and Reservists, as well as their spouses.

It is critical that we support our nation's veterans and, in particular, our service-members returning from Afghanistan and Iraq. Regrettably, the unemployment rate for veterans of these two wars is 12.5 percent—a full 3.6 percent higher than the national unemployment rate for the overall population. Many of these brave men and women have aspirations of owning their own business, and I was proud to work with Senator KERRY to pass the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2008, which President George W. Bush signed into law three years ago. This legislation contains a number of provisions to help veterans and Reservists who own or are seeking to own a business, and created an Interagency Task Force on Veterans Small Business Development, which President Obama formed by Executive Order last spring, to assist veterans with government contracting and capital access opportunities in particular.

One way the SBA has supported veteran entrepreneurs is through the Patriot Express Loan Initiative, which was established as a pilot program in 2007. According to the data from the SBA, Patriot Express supported nearly 7,000 loans totaling $560 million to small businesses owned and operated by eligible participants in just three and a half years. While the program was scheduled to expire in December, the SBA extended it for an additional three years, through 2013. That said, this legislation would provide certainty to the program by placing it in statute.

Coupled with the counseling and training assistance provided by the SBA's Office of Veterans Business Development, the Patriot Express loan program is a signal to our nation's veterans, Reservists, service-members, and their families that the Federal government takes seriously its obligation to give back for all they have done to defend our nation. These loans will help participants start or expand their firms, purchase equipment or inventory, and ultimately, create jobs. I am proud to cosponsor this legislation with Senator PRYOR.

By Mr. GRASSLEY (for himself and Mr. LEE):

S. 533. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce important civil justice legislation. This legislation is desperately needed for several reasons—the most important of which is to cut down on the costs and expenses that are preventing private businesses from creating jobs for our fellow citizens during these difficult times.

The billions of dollars wasted on frivolous lawsuits cost Americans jobs and severely damage our economy. The precise cost of America's lawsuit culture is staggering. The tort system's direct costs in 2002 were $233 billion, the equivalent of a 5 percent tax on wages. Today that number is even higher; the annual direct cost of American tort litigation exceeds $250 billion.

Indeed, frivolous lawsuits are helping to prevent the ''innovation'' that the Obama administration is touting as the key to ''job creation'' and economic recovery. For example, firms with recent initial public offerings are most at risk to be sued. In fact, companies are most likely to be sued in their second year of public trading. In other words, the very corporations most likely to be the source of significant new job creation are at the highest risk of being sued just when they are seeking expansion capital through public offerings.

In particular, frivolous lawsuits hurt small businesses. Small businesses rank the cost and availability of liability insurance as second only to the cost of health care as their top concerns, and both problems are fueled by frivolous lawsuits.

Our front-line defense against frivolous lawsuits and the misuse of our legal system is Rule 11 of the Federal Rules of Civil Procedure. This rule is intended to deter frivolous lawsuits by sanctioning the offending party. The power of Rule 11 was diluted in 1993. This weakening is unacceptable to those of us who want to preserve courts as neutral forums for dispute resolution.

That is why I am introducing the Lawsuit Abuse Reduction Act of 2011, ''LARA,'' which amends Rule 11 to restore its strength and ability to truly deter frivolous lawsuits. Senator MIKE LEE of Utah is cosponsoring this bill.

Representative LAMAR SMITH, the Chairman of the House Judiciary Committee, is introducing an identical bill today in the House of Representatives.

Specifically, LARA takes three strong steps to help thwart frivolous lawsuits.

First, LARA reverses the 1993 amendments to Rule 11 that made sanctions discretionary rather than mandatory.

One of the most harmful changes that took effect in 1993 was to make sanctions for proven violations of Rule 11 discretionary. This means that if a party files a lawsuit simply to harass another party, and the court decides that this is in fact the case, the offending party still might not be sanctioned. This is unacceptable. The offending

party might not be punished at all, which provides no deterrence for the offending party or anyone else who wants to misuse the courts. My bill reinstates the requirement that if there is a violation of Rule 11, there are sanctions.

Second, LARA requires that judges impose monetary sanctions against lawyers who file frivolous lawsuits. Those monetary sanctions will include the attorney's fees and costs incurred by the victim of the frivolous lawsuit.

Finally, LARA reverses the 1993 amendments to Rule 11 that allow parties and their attorneys to avoid sanctions for making frivolous claims by withdrawing them within 21 days after a motion for sanctions has been served.

Because of Rule 11's ''safe harbor'' provision, many frivolous claims are never fully reviewed by federal judges. Under the ''safe harbor'' provision, a person who is victimized by a frivolous claim must hire an attorney to draft a motion for sanctions. That motion cannot, however, be filed immediately. Rather, under Rule 11(c)(2), the motion is served on the offending attorney 21-days before it is filed. During that period, the offending attorney can withdraw the frivolous claim and thereby avoid any sanction. LARA would prevent such injustices by eliminating the ''safe harbor'' provision.

Although LARA would only amend Rule 11 of the Federal Rules of Civil Procedure, the procedural rules in State courts are often amended to track changes in the Federal rules. Consequently, it is our hope that many states would amend their rules governing frivolous lawsuits to reflect the changes implemented by LARA, just as they did when Rule 11 was last changed in 1993.

Without the serious threat of punishment for filing frivolous lawsuits, innocent individuals and companies will continue to face the harsh economic reality that simply paying off frivolous claimants through monetary settlements is often cheaper than litigating the case. This perverse dynamic not only results in legalized extortion, but it leads to increases in the insurance premiums all individuals and businesses must pay. That is money that could be going to create new jobs.

I want to work with those who are willing to be reasonable. I know that some have expressed concerns with similar bills in the past. We have considered those concerns and have drafted a bill that takes them into account. For example, this bill expressly provides that nothing in it ''shall be construed to bar or impede the assertion or development of new claims, defenses, or remedies under Federal, State, or local laws, including civil rights laws.''

Requiring mandatory sanctions is not an extreme position. It is a reasonable and effective solution to the problem of runaway frivolous lawsuits.

Indeed, a mandatory sanctions requirement is currently the law in the area of securities litigation. In 1995, we enacted the Private Securities Litigation Reform Act, PSLRA, over President Clinton's veto. It essentially reinstates the 1983 version of Rule 11 for the purposes of securities litigation that falls within its coverage, and makes the imposition of sanctions mandatory. Upon a final adjudication of a case, the PSLRA requires courts to make written findings on whether the parties have complied with Rule 11. In other words, no motion for sanctions needs to be filed.

At the conclusion of the case, a judge must review the case for compliance with Rule 11 and, if he finds that there has been a violation, he must impose sanctions.

So addressing the damaging impact of frivolous lawsuits has had bipartisan support in the past. That bipartisan support should be even greater during these difficult economic times.

Let's look at a few examples of the type of lawsuits that businesses must contend with:

In July 2009, three New Jersey residents, backed by an advocacy group, filed a class action lawsuit against several hot dog manufacturers claiming they were exposed to carcinogens by eating hot dogs. None of the plaintiffs had actually developed cancer. The lawsuit sought damages in the amount of the total cost of the plaintiffs' hot dog purchases and a requirement that the companies place a new label on packages and advertising reading: ''Warning: Consuming hot dogs and other processed meats increases the risk of cancer.''

The case was dismissed on a Rule 12(b)(6) motion. Thus, a Federal court held that the plaintiffs had failed to even allege a claim, as a matter of law.

In another case, a customer alleged that a wild bird ''attacked'' her while in a Lowe's outdoor garden center, causing her head injuries. She claimed negligence and a violation of the Illinois Animal Control Act. She maintained that the wild birds created a dangerous condition on the property and that Lowe's failed to exercise ordinary care to ensure that the premises were reasonably safe and failed to prevent the birds from entering the garden center.

A Federal court entered summary judgment in favor of Lowe's holding that a ''reasonable plaintiff'' either would have noticed the birds or understood that contact with them was possible in any outdoor area with plants. The court also held that Lowe's was not the ''owner'' of the birds, a necessary element of the customer's statutory claim.

These are just two examples of the scores of frivolous lawsuits that American businesses must contend with each year.

Requiring sanctions when judges find lawsuits are frivolous will deter these types of cases from being brought. The savings will result in cost savings for businesses and new jobs for American workers.

The time for words and rhetoric has long since passed. If the President means what he is saying about creating jobs, then we must take action. We need to help private business spur job creation. LARA is action. LARA is a step in the right direction.

I urge all of my colleagues to work with me and to support this legislation.

By Mr. KERRY (for himself, Mr. CRAPO, Mr. WYDEN, Ms. SNOWE, Mr. SCHUMER, Mr. CORNYN, Mr. LEAHY, Mr. BURR, Ms. MIKULSKI, Mr. BROWN of Massachusetts, Mr. MERKLEY, Mr. WICKER, Mr. BROWN of Ohio, Mr. CHAMBLISS, Mr. TESTER, Mr. COCHRAN, Ms. CANTWELL, Mr. PORTMAN, and Mr. CARDIN):

S. 534. A bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers; to the Committee on Finance.

Mr. KERRY. Mr. President, today Senator CRAPO and I are reintroducing legislation to assist small brewers across the country. The Brewer's Employment and Excise Relief, BEER, Act of 2011 would reduce the excise tax on domestic small beer producers as well as update the definition of what constitutes a small brewer to reflect today's market. Senators WYDEN, SNOWE, SCHUMER, CORNYN, LEAHY, BURR, MIKULSKI, SCOTT BROWN, MERKLEY, WICKER, SHERROD BROWN, CHAMBLISS, TESTER, COCHRAN, and CANTWELL are cosponsors of this legislation.

As our economy continues on a track to recovery, we should remain focused on reducing unemployment and putting American's back to work. This legislation will do just that by helping an industry that is hiring and plans on expanding. Massachusetts is home to 38 small breweries.

Though there has been a continued increase in consumer demand for the unique brews created by these small brewers, these beer producers operate at a distinct disadvantage when compared to the largest brewers in this country. While demand is growing, small brewers account for just 5 percent of beer sales nationwide and they face higher costs for production, raw materials, and market entry when compared to their much larger counterparts.

The BEER Act legislation will revise the classification of a domestic small brewer, a definition that has not been updated since 1976. Under current law, small brewers are limited to those that produce 2 million barrels of beer per year. This legislation would update and raise the ceiling for the small brewer tax rate to 6 million barrels per year to reflect the original intent of differentiation between the large and small brewers. The largest beer producer in America used to produce 45 million barrels annually and that has increased to over 100 million barrels.

This legislation will also lower the excise tax rate on these small brewers on their first 60,000 barrels produced from $7 per barrel to $3.50 per barrel. Currently for the production over 60,000 barrels up to 2 million barrels, these brewers pay $18 per barrel in taxes, the same amount that the large brewers pay. This legislation would reduce that rate for small brewers to $16 per barrel.

Small brewers employ nearly 100,000 people nationwide. This legislation will provide tax relief for this important industry, and allow these companies to expand both their production and their work force. A March 2010 economic analysis of this legislation done by Dr. John Friedman of Harvard University has estimated that the legislation will stimulate job creation at a rate of 2,700 new jobs in the first year to 18 months, with an additional 375 new jobs each year for the following 4 years.

The benefits do not simply begin and end with the ability for these small breweries to grow. This legislation would benefit the consumer buying a 6 pack of Sierra Nevada or Harpoon in their local supermarket where prices on craft beer would be reduced by about 20 cents per case. The farms in the states that produce the barely, hops, and other materials that go into these fine brews would also see an increased demand for their products.

This legislation would provide important benefits to America's small brewers and spur economic activity. It will provide relief and allow them to expand to meet the demands of a growing marketplace. I urge my colleagues to support this legislation and support small, domestic beer producers.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 96—CONGRATULATING THE ARMY DENTAL CORPS ON ITS 100TH ANNIVERSARY

Mrs. HUTCHISON (for herself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 96

Whereas on March 3, 1911, Congress was the first to officially recognize dentistry as a distinct profession by establishing an Army Dental Service with commissioned officers, a seminal event for dentistry as well as for military history;

Whereas dental health is a critical component of military medical readiness;

Whereas throughout history, the Army Dental Corps has preserved the strength of the Army by minimizing risk for and expediting treatment of dental emergencies;

Whereas the Army Dental Corps works continuously to improve the oral health of soldiers and their families by supporting individual and community prevention initiatives, good oral hygiene practices, and evidence-based treatment;

Whereas the Army Dental Corps endeavors to improve oral health world-wide by participating in the full spectrum of military and peacekeeping operations, serving as dental ambassadors through care rendered to United States and coalition military personnel during combat operations, and local national citizens in humanitarian operations;

Whereas the Army Dental Corps, in collaboration with national and international dental organizations, promotes synergy among all dental professionals;

Whereas the Army Dental Corps supports the mission of the Federal dental research program, and endorses improved dental technologies and therapies through research and adherence to sound scientific principles; and

Whereas the Army Dental Corps recognizes the importance of lifelong pursuit of continuing dental education, and executes this mission through specialty dental education and postgraduate residencies and fellowships for its members: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Army Dental Corps on its 100th anniversary;

(2) commends the Army Dental Corps for its work to improve the dental readiness of the Army, and the oral health of soldiers and their families;

(3) recognizes the thousands of dentists who have served in the Army Dental Corps over the last 100 years, providing dental care to millions of members of the Armed Forces and their families; and

(4) commends the Army Dental Corps for its efforts to keep America's soldiers healthy and the best fighting force in the world.

SENATE RESOLUTION 97—AFFIRMING THE IMPORTANCE OF EXERCISE AND PHYSICAL ACTIVITY AS KEY COMPONENTS OF A HEALTHY LIFESTYLE, INCLUDING IN COMBATING OBESITY, REDUCING CHRONIC DISEASE, AND LOWERING HEALTH CARE COSTS

Mr. CASEY (for himself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

S. RES. 97

Whereas data from the Centers for Disease Control and Prevention indicate that poor diet and physical inactivity cause over 400,000 deaths each year;

Whereas data from the Department of Health and Human Services estimate that 68 percent of adults and 16.9 percent of children of the United States are obese or overweight;

Whereas obesity is associated with more than 30 medical conditions, including cancer, diabetes, heart disease, and hypertension;

Whereas research has clearly demonstrated that increased physical activity can play a direct role in reducing the incidence of chronic diseases, including heart disease and diabetes;

Whereas, given the most recent trends in obesity, 1 in 3 children born in the United States in 2000 is expected to develop diabetes over the course of his or her lifetime;

Whereas research has estimated that moderate aerobic exercise lowers the adult risk for type 2 diabetes by 58 percent, heart disease by 45 percent, colon cancer by up to 50 percent, and breast cancer by up to 30 percent;

Whereas average per capita health spending increased by 40 percent during calendar years 1997 through 2005, but the average per capita spending for the 15 costliest conditions, all associated with obesity, increased 55 percent during those calendar years;

Whereas the potential savings in direct medical costs if all inactive American adults engaged in regular physical activity could be as high as $80,000,000,000;

Whereas approximately half of the direct medical costs associated with diseases that stem from obesity and inactivity are paid for by the government and the taxpayers of the United States through federally funded programs, such as Medicaid and Medicare;

Whereas regular exercise combined with reduced caloric intake has been shown to be most effective in reducing body mass;

Whereas, even if an individual does not lose weight, exercise may provide health benefits to that individual, including psychological benefits such as lower rates of stress and anxiety, lower rates of depression, higher self-esteem, and an improved body image; and

Whereas new research shows that financial incentives can be used to develop or foster good exercise habits: Now, therefore, be it

Resolved, That the Senate—

(1) affirms the importance of exercise and physical activity as key components of a healthy lifestyle, including combating obesity, reducing chronic disease, and lowering health care costs; and

(2) encourages the development of incentives, including responsible economic incentives, to promote exercise and a more physically active and healthy United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 159. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 160. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 159. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4043.

SA 160. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 4037.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks. The hearing will be held on Wednesday, March 30, 2011, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.