

in a college course at an institution of higher education that is licensed under an open license.

(5) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 4. GRANT PROGRAM.

(a) GRANTS AUTHORIZED.—From the amounts appropriated under subsection (i), the Secretary is authorized to award grants, on a competitive basis, to eligible entities to carry out the activities described in this section, including creating, updating, or adapting open textbooks. The Secretary shall award grants in a manner that will result in the creation of a comprehensive slate of high quality course materials for introductory courses in a variety of subject areas.

(b) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means—

- (1) an institution of higher education;
- (2) a professor or group of professors at an institution of higher education; or
- (3) a nonprofit or for-profit organization that produces open textbooks.

(c) DURATION.—Grants awarded under this section shall be 1 year in duration.

(d) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include a description of the project to be completed with grant funds and—

(A) a plan for quality review and review of accuracy of content;

(B) a plan for access to ensure the widest possible availability of the digital version of the open textbook;

(C) a plan for distribution and adoption of the open textbook to ensure the widest possible adoption of the open textbook in postsecondary courses, including, where applicable, a marketing plan or a plan to partner with for-profit or nonprofit organizations to assist in marketing and distribution; and

(D) a plan for tracking and reporting formal adoptions of the open textbook within postsecondary institutions, including an estimate of the number of students impacted by the adoptions.

(e) SPECIAL CONSIDERATION.—In awarding grants under this section, the Secretary shall give special consideration to applications that demonstrate the greatest potential to produce—

(1) the highest quality and most marketable open textbooks;

(2) open textbooks that correspond to the highest enrollment courses at institutions of higher education;

(3) open textbooks that are easily utilized by faculty members at institutions of higher education; and

(4) open textbooks created in partnership with for-profit or nonprofit organizations to assist in marketing and distribution.

(f) USES OF GRANTS.—

(1) OPEN TEXTBOOKS.—An eligible entity that receives a grant under this section shall—

(A) create a new open textbook for use in postsecondary coursework;

(B) update an open textbook for use in postsecondary coursework; or

(C) adapt a textbook into an open format for use in postsecondary coursework.

(2) LICENSE.—An open textbook created, updated, or adapted under paragraph (1) shall be licensed through an open license.

(3) ACCESSIBILITY.—The full and complete digital content of each open textbook created, updated, or adapted under paragraph (1) shall be—

(A) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the eligible entity; and

(B) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

(g) REVIEW PROCESS.—The Secretary shall develop a peer review and evaluation process in consultation with the Director to ensure that open textbooks created, updated, or adapted under this section are of the highest quality, accurate in content, and meet or exceed market quality and accessibility standards.

(h) REPORT.—Upon an eligible entity's completion of a project supported under this section, the eligible entity shall prepare and submit a report to the Secretary regarding all project costs, including the value of any volunteer labor and institutional capital used for the project.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$15,000,000 to carry out this section for fiscal year 2010 and such sums as are necessary for each of the 5 succeeding fiscal years.

SEC. 5. LICENSING MATERIALS WITH A FEDERAL CONNECTION.

(a) IN GENERAL.—Notwithstanding any other provision of law, educational materials such as curricula and textbooks created through grants distributed by Federal agencies, including the National Science Foundation, for use in elementary, secondary, or postsecondary courses shall be licensed under an open license.

(b) ACCESSIBILITY.—The full and complete digital content of each of the materials created as described in subsection (a) shall be—

(1) posted on an easily accessible and interoperable website, which site shall be identified to the Secretary by the grant recipient; and

(2) made available free of charge to, and may be downloaded, redistributed, changed, revised, or otherwise altered by, any member of the general public.

SEC. 6. SENSE OF CONGRESS.

It is the sense of Congress that institutions of higher education should encourage the consideration of open textbooks by professors within the generally accepted principles of academic freedom that established the right and responsibility of faculty members, individually and collectively, to select course materials that are pedagogically most appropriate for their classes.

SEC. 7. REPORT TO CONGRESS.

Not later than September 30, 2015, the Secretary shall prepare and submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives detailing—

(1) the open textbooks created, updated, or adapted under this Act;

(2) the adoption of such open textbooks; and

(3) the savings generated for students, States, and the Federal Government through the use of open textbooks.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 285—SUPPORTING THE GOALS AND IDEALS OF NATIONAL CYBERSECURITY AWARENESS MONTH AND RAISING AWARENESS AND ENHANCING THE STATE OF CYBERSECURITY IN THE UNITED STATES

Mrs. FEINSTEIN (for herself, Mr. ROCKEFELLER, Mrs. GILLBRAND, Mr. CARPER, Ms. MIKULSKI, Mr. LIEBERMAN, Ms. COLLINS, Mr. REID, Mr. LEVIN, Mr. BENNETT, Ms. SNOWE, Ms. LANDRIEU, Mr. HATCH, Mr. BAYH, and Mr. VOINOVICH) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 285

Whereas the use of the Internet in the United States, to communicate, conduct business, or generate commerce that benefits the overall United States economy, is ubiquitous;

Whereas many people use the Internet in the United States to communicate with family and friends, manage finances and pay bills, access educational opportunities, shop at home, participate in online entertainment and games, and stay informed of news and current events;

Whereas United States small businesses, which employ a significant fraction of the private workforce, increasingly rely on the Internet to manage their businesses, expand their customer reach, and enhance the management of their supply chain;

Whereas nearly all public schools in the United States have Internet access to enhance children's education, with a significant percentage of instructional rooms connected to the Internet to enhance children's education by providing access to educational online content and encouraging self-initiative to discover research resources;

Whereas the number of children who connect to the Internet continues to rise, and teaching children of all ages to become good cyber-citizens through safe, secure, and ethical online behaviors and practices is essential to protect their computer systems and potentially their physical safety;

Whereas the growth and popularity of social networking websites has attracted millions of teenagers, providing access to a range of valuable services, making it all the more important to teach young users how to avoid potential threats like cyber bullies, predators, and identity thieves they may come across while using such services;

Whereas cybersecurity is a critical part of the United States national security and economic security;

Whereas the United States critical infrastructures and economy rely on the secure and reliable operation of information networks to support the United States military, civilian government, energy, telecommunications, financial services, transportation, health care, and emergency response systems;

Whereas Internet users and information infrastructure owners and operators face an increasing threat of malicious crime and fraud attacks through viruses, worms, Trojans, and unwanted programs such as spyware, adware, hacking tools, and password stealers, that are frequent and fast in propagation, are costly to repair, and may disable entire systems;

Whereas millions of records containing personally identifiable information have

been lost, stolen, or breached, threatening the security and financial well-being of United States citizens;

Whereas consumers face significant financial and personal privacy losses due to personally identifiable information being more exposed to theft and fraud than ever before;

Whereas national organizations, policy-makers, government agencies, private sector companies, nonprofit institutions, schools, academic organizations, consumers, and the media recognize the need to increase awareness of cybersecurity and the need for enhanced cybersecurity in the United States;

Whereas coordination between the numerous Federal agencies involved in cybersecurity efforts is essential to securing the cyber infrastructure of the United States;

Whereas the National Strategy to Secure Cyberspace, published in February 2003, recommends a comprehensive national awareness program to empower all people in the United States, including businesses, the general workforce, and the general population, to secure their own parts of cyberspace;

Whereas the White House's Cyberspace Policy Review, published in May 2009, recommends that the government initiate a national public awareness and education campaign to promote cybersecurity; and

Whereas the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States have designated October 2009 as the sixth annual National Cybersecurity Awareness Month which serves to educate the people of the United States about the importance of cybersecurity: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of National Cybersecurity Awareness Month, as designated by the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States;

(2) continues to work with Federal agencies, businesses, educational institutions, and other organizations to enhance the state of cybersecurity in the United States; and

(3) congratulates the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of Homeland Security, and other organizations working to improve cybersecurity in the United States on the sixth anniversary of the National Cybersecurity Month during October 2009.

Mrs. FEINSTEIN. Mr. President, today I rise to submit, along with Senator's ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, BAYH, and VOINOVICH, a resolution supporting National Cyber Security Awareness Month, which will be held next month.

We in the Congress are trying to make cybersecurity a priority issue, but much work remains to be done. A critical first step is to raise awareness and public understanding of the cyber threat and steps that can be taken to improve cybersecurity. This is true across Government and private industry, but the Government should play a leadership role.

Each year for the last 5 years, the National Cyber Security Alliance, the Multi-State Information Sharing and Analysis Center, the Department of

Homeland Security, and other organizations working to improve cybersecurity in the U.S. have designated October as National Cyber Security Awareness Month.

Today, I am submitting a resolution to officially designate National Cyber Security Awareness Month again this October.

The goal is to educate and empower Internet users to take simple steps to safeguard themselves from the latest online threats and respond to cyber crime and to bring Federal agencies, businesses, educational institutions, and other organizations together to encourage development and implementation of cybersecurity best practices.

Cybersecurity is a serious national security and economic security challenge of great complexity, deserving of increased attention from the Congress. As the Senate prepares to consider important cybersecurity legislation to provide new authorities and clarify privacy and legal issues, a few cyber-related observations and concerns can be mentioned now.

First, I am troubled by the lack of situational awareness on the opportunities, activities, and identities of cyber thieves or potential attackers on U.S. information networks. This is a serious weakness and a source of frustration for those responsible for oversight and strategic decision-making. Unfortunately, it will not be easy to remedy this because there are disincentives to report cyber intrusions and vulnerabilities in the U.S. Government and private sector. This must change. It must change quickly so that cybersecurity leaders can make well-informed decisions and respond to problems in real time.

Next, it is clear that cybersecurity activities must be conducted with strong congressional oversight that will demand thorough Executive branch planning before billions of dollars are authorized and appropriated. In addition, there must be a rigorous analysis of the government's use of legal authorities for national cybersecurity missions that preserve the reasonable privacy expectations of Americans. The government's role must be well-defined as its activities involving the Internet evolve. I appreciate the White House's effort to be transparent and open with Congress on this issue this year, and have high expectations for continued healthy cooperation.

We need to have those entities with cybersecurity responsibilities collaborating across the Government. That means homeland security, intelligence, military, foreign policy, law enforcement, and other components involved in cybersecurity must be working together. The President has begun, through his cybersecurity review earlier this year, to provide a clear vision, strategic direction, and effective integration of the wide range of cybersecurity activities. However, more progress in this area is needed.

I was pleased when President Obama made a major address on cybersecurity

at the end of May, but that strong first step has been followed by a four-month delay in appointing a White House cybersecurity coordinator. Until this position is filled, it will be difficult to have effective leadership and coordination on governmental cybersecurity efforts.

The Federal Government's communication strategy concerning cybersecurity must be improved as well. There should be a new plan on the best way to communicate the national cybersecurity policy to the public. Though some elements must be classified, it is important that the American people understand the Government's basic role in helping to secure information networks. The general rules and expectations for Government involvement, and how these may affect privacy, must be clearly explained.

In addition, the Government must consider that effective cybersecurity inside the U.S. will require stronger diplomatic efforts and an international agreement on what will and will not be tolerated in cyberspace. An international framework on cyber warfare, much like international conventions on traditional warfare, is needed to govern this rapidly growing field.

I also believe there should be a significant emphasis on long-term issues such as cyber research and development, recruiting cyber experts into government, and cyber education and training. In particular, recent studies sponsored by the Senate Select Committee on Intelligence have concluded that the Intelligence Community must dramatically increase funding for research and development in order for our cyber defenses to be effective in the future.

The online world is moving quickly, with cutting-edge technology expertise spread across the globe, and the U.S. cannot presume a clear-cut technology advantage as it has in other areas of national security. I recommend a balanced portfolio approach that includes a nationally coordinated program of long-term, high-risk research aimed at revolutionary breakthroughs, sustained even when faced with near-term budget pressures. I strongly support a rebalancing of the Federal Government's Comprehensive National Cybersecurity Initiative budget to address these concerns.

Finally, as a step beyond the Comprehensive National Cybersecurity Initiative's focus on securing Federal Government information networks, I am highly concerned about protecting the U.S. critical infrastructure. For example, the country's electric power grid, communications systems, and financial infrastructure are all critical to our way of life yet unacceptably vulnerable to cyber attack. The Government and the private sector must work together to share more effectively cyber threat and vulnerability information, and the administration and

the Congress must work together to determine the best mix of mandates, incentives, and other tools to improve critical infrastructure security.

Fortunately, there is an increasing level of interest and debate on cybersecurity issues in Congress and around the country. The Senate Intelligence Committee, which I have the privilege of chairing, has invested significant time assessing the cyber threat to our country and potential Government responses through the following initiatives: scores of personal meetings and staff briefings with government, private sector, academic, and nonprofit thought-leaders; six cyber hearings in the last 2 years; four 6-month studies by the Committee's Technical Advisory Group; a new, balanced oversight system for federal government cybersecurity programs, as proposed in the fiscal year 2010 intelligence authorization bill; and regular outreach to other congressional committees.

I want to thank my distinguished colleagues, Senators ROCKEFELLER, GILLIBRAND, CARPER, MIKULSKI, LIEBERMAN, COLLINS, REID, LEVIN, BENNETT, SNOWE, LANDRIEU, HATCH, VOINOVICH, and BAYH, for cosponsoring this resolution and for their leadership on this issue. I look forward to working with them and other members of Congress to improve our cybersecurity in the future.

SENATE RESOLUTION 286—EXPRESSING CONDOLENCES TO THE FAMILIES OF THE INDIVIDUALS KILLED DURING UNUSUAL STORMS AND FLOODS IN THE STATE OF GEORGIA BETWEEN SEPTEMBER 18 AND SEPTEMBER 21, 2009, AND EXPRESSING GRATITUDE TO ALL OF THE EMERGENCY PERSONNEL WHO CONTINUE TO WORK WITH UNYIELDING DETERMINATION TO MEET THE NEEDS OF GEORGIA'S RESIDENTS

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

S. RES. 286

Whereas beginning on September 18, 2009, the State of Georgia was hit by days of unusually strong storms that resulted in downpours and flooding;

Whereas numerous Georgia rivers and creeks, including the Chattooga and Chattahoochee Rivers and the Chickamauga Creek, swollen by days of rain, overtopped their banks, creating a dangerous and deadly situation for nearby residents;

Whereas the storms and floods took human lives;

Whereas the floodwater destroyed homes, flooded roadways, including major highways, compromised drinking water, severely damaged plumbing systems, and caused significant damage to homes and businesses;

Whereas on September 21, 2009, Georgia Governor Sonny Perdue declared a state of emergency in 17 counties, including Carroll, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Crawford, DeKalb, Douglas, Forsyth, Fulton, Gwinnett, Newton, Paulding, Rockdale, Stephens, and Walker Counties;

Whereas the National Weather Service estimated that between 15 and 22 inches of rain fell in the metropolitan Atlanta counties of Gwinnett, Douglas, and Paulding between September 18 and September 21, 2009;

Whereas the rains broke a 130-year-old record at Hartsfield-Jackson International Airport;

Whereas hundreds of Georgians were evacuated from their homes, and more than 300 people sought refuge in shelters;

Whereas Governor Perdue estimated that more than 1,000 residences were seriously flooded;

Whereas the weather closed schools in several counties;

Whereas as many as tens of thousands of people were without power in metropolitan Atlanta;

Whereas search and rescue operations functioned in several counties where the water continued to rise;

Whereas the Georgia Emergency Management Agency coordinated with local emergency personnel and worked tirelessly to protect human lives and rescue those threatened by the floods;

Whereas the Georgia Emergency Management Agency facilitated requests for assistance from people and first responders all across the State of Georgia;

Whereas the Georgia Emergency Management Agency and other first responders acted valiantly in life-safety response operations, including delivering sandbags and rescuing people trapped in their cars and homes from the floodwater;

Whereas the Federal Emergency Management Agency activated its national and regional response coordination centers and worked closely with the State of Georgia to monitor the response efforts and identify and respond to any immediate emergency needs for the people and communities of the State that were impacted by the devastating floods; and

Whereas volunteers gave their time to help ensure that evacuees were sheltered, clothed, fed, and comforted through this traumatic event: Now, therefore, be it

Resolved, That the Senate—

(1) offers its deepest sympathy and condolences to the families of those who lost their lives in the flooding in the State of Georgia;

(2) expresses its condolences to the families who lost their homes and other property in the floods;

(3) expresses gratitude and appreciation to the people of the State of Georgia and the surrounding States, who worked to protect people from the rising floodwaters;

(4) expresses its support as the Federal Emergency Management Agency responds to the needs of the people and communities affected by the flooding; and

(5) honors the emergency responders, within and beyond metropolitan Atlanta and the State of Georgia, for their bravery and sacrifice during this tragedy.

SENATE RESOLUTION 287—HONORING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE DRUG PRICE COMPETITION AND PATENT TERM RESTORATION ACT OF 1984 (THE HATCH-WAXMAN ACT)

Mr. BROWN submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 287

Whereas on September 24, 1984, the Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98-417; 98 Stat.

1585), commonly known as the Hatch-Waxman Act, was signed into law by President Ronald Reagan, at which time President Reagan indicated that generic drugs might save American consumers \$1,000,000,000 over the next 10 years;

Whereas this landmark law created the regulatory mechanism under which the Food and Drug Administration approves safe and affordable generic drugs;

Whereas each year for the past quarter century, the generic pharmaceutical industry has delivered billions of dollars in savings on the purchase of prescription drugs, far exceeding the original estimate;

Whereas a May 2009 report showed that during the preceding 10-year period, the use of generic drugs has saved the American health care system more than \$734,000,000,000, with the most-recent annual average exceeding \$121,000,000,000;

Whereas generic drugs accounted for more than 72 percent of all prescription drugs dispensed, yet accounted for only 17 percent of the spending on all prescription drugs, a differential that reflects the dramatically lower prices paid for generic drugs, which not only reduces consumer and taxpayer spending but also increases patient access to needed medicines; and

Whereas while the Hatch-Waxman Act does not have an explicit pathway for approval by the Food and Drug Administration of lower-priced versions of cutting-edge biologic medicines, which account for a rapidly growing portion of prescription medicine spending, the Act does provide a solid framework for such a pathway: Now, therefore, be it

Resolved, That it is the sense of Senate that—

(1) enactment of the Hatch-Waxman Act (Public Law 98-417; 98 Stat. 1585) in 1984 served to create the modern generic pharmaceutical industry, which has provided consumers with access to affordable drugs, yielding significant health and economic benefits for the Nation's health care system;

(2) Senator Orrin Hatch and Representative Henry Waxman deserve the Nation's gratitude for authoring and championing this landmark bipartisan legislation; and

(3) Congress should build on the work of these dedicated policymakers and enact legislation to create a pathway for approval by the Food and Drug Administration of safe and affordable generic versions of biologic medicines.

Mr. BROWN. Mr. President, I rise today to submit a resolution commemorating the 25th Anniversary of the Drug Price Competition and Patent Term Restoration Act, more commonly known as the Hatch-Waxman Act.

This historic legislation—which was signed into law exactly 25 years ago today, on September 24, 1984—marked the culmination of months of lengthy and often contentious debate over how to foster pharmaceutical innovation while at the same time encouraging competition from affordable generic prescription drugs.

Guided by my good friends and colleagues Representative HENRY WAXMAN of California and Senator ORRIN HATCH of Utah, Congress delivered a bill that struck the right balance between innovation and access, and put in place a new regulatory pathway to bring safe and effective generic medicines to market.

I doubt that anyone involved in the passage of Hatch-Waxman could have envisioned a quarter century ago the