

key resources in the United States. Indeed, users of computers are generally unaware that their computers may be used, exploited, and compromised by others with spam, viruses, and other malicious software and agents.

(2) Since computer networks, critical infrastructure, and key resources of the United States are at risk of being compromised, disrupted, damaged, or destroyed by terrorists, criminals, spies, and other malicious actors who use computers, cybersecurity and Internet safety is an urgent homeland security issue that needs to be addressed by providers, technology companies, and persons who use computers.

(3) The Government and the private sector need to work together to develop and enforce minimum voluntary or mandatory cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying the computer networks, critical infrastructure, and key resources of the United States.

#### SEC. 4. COST-BENEFIT ANALYSIS.

(a) REQUIREMENT FOR ANALYSIS.—The Secretary, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, shall conduct an analysis to determine the costs and benefits of requiring providers to develop and enforce voluntary or mandatory minimum cybersecurity and Internet safety standards for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) FACTORS.—In conducting the analysis required by subsection (a), the Secretary shall consider—

(1) all relevant factors, including the effect that the development and enforcement of minimum voluntary or mandatory cybersecurity and Internet safety standards may have on homeland security, the global economy, innovation, individual liberty, and privacy; and

(2) any legal impediments that may exist to the implementation of such standards.

#### SEC. 5. CONSULTATION.

In conducting the analysis required by section 4, the Secretary shall consult with the Attorney General, the Secretary of Commerce, the Director of National Intelligence, the Federal Communications Commission, and relevant stakeholders in the Government and the private sector, including the academic community, groups, or other institutions, that have scientific and technical expertise related to standards for computer networks, critical infrastructure, or key resources.

#### SEC. 6. REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a final report on the results of the analysis required by section 4. Such report shall include the consensus recommendations, if any, for minimum voluntary or mandatory cybersecurity and Internet safety standards that should be developed and enforced for users of computers to prevent terrorists, criminals, spies, and other malicious actors from compromising, disrupting, damaging, or destroying computer networks, critical infrastructure, and key resources.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Homeland Security and Governmental Af-

fairs, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Government Reform of the House of Representatives.

By Mr. ROCKEFELLER (for himself, Mrs. SHAHEEN, Mr. LEAHY, Mr. INOUE, Ms. STABENOW, and Mr. SCHUMER):

S. 373. A bill to amend the Federal Food, Drug, and Cosmetic Act to prohibit the marketing of authorized generic drugs; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROCKEFELLER. Mr. President, I rise today with my colleagues, Senators SHAHEEN, LEAHY, INOUE, STABENOW, and SCHUMER, to reintroduce an important piece of legislation, the Fair Prescription Drug Competition Act. Our legislation eliminates one of the most prominent loopholes that brand name drug companies use to limit consumer access to lower-cost generic drugs; it ends the marketing of so-called “authorized generic” drugs during the 180-day exclusivity period that Congress designed to provide specific incentives to true generics to enter the market.

An authorized generic drug is a brand name prescription drug produced by the same brand manufacturer on the same manufacturing lines, yet repackaged as a generic. Some argue that authorized generic drugs are cheaper than brand name drugs and, therefore, benefit consumers. However, authorized generics only serve to reduce generic competition, extend brand monopolies, and lead to higher health care costs for consumers over the long-term.

After up to 20 years of holding a patent for a brand name drug—the brand-name manufacturer—which has already been handsomely rewarded for its investment—doesn’t want to let go of its profits. So, it repackages the drug and refers to it as a generic in order to extend its market share, while cutting in half the financial incentive for an independent generic to enter the marketplace. This is a huge problem and one that is becoming even more prevalent as patents on some of the best-selling brand name pharmaceuticals expire.

In 1984, Congress passed the Drug Price Competition and Patent Term Restoration Act, known as the Hatch-Waxman Act, to provide consumers greater access to lower-cost generic drugs. The intent of this law was to improve generic competition, while preserving the ability of brand name manufacturers to discover and market new and innovative products. Specifically, the Hatch-Waxman Act provided for a 180-day marketing exclusivity period for the first generic firm that successfully challenges a brand-name patent under the Abbreviated New Drug Application, ANDA, process—thereby providing a crucial incentive for generic drug companies to enter the market

and make prescription drugs more affordable for consumers.

Filing a patent challenge is expensive and requires enormous up-front costs for the generic company. Yet, the 180-day exclusivity incentive to launch a patent challenge is being widely undermined by authorized generics. According to one account, since 2004, “authorized generic versions have appeared for nearly all drugs with expiring U.S. patents.” And, because authorized generics are still allowed, an independent generic can get all the way to the end of a patent challenge—even winning in court—but still lose the anticipated reward of 180-day market exclusivity because the brand-name company can, and does, launch an authorized generic. The fact that the brand-name company can launch an authorized generic even if it loses a patent challenge to a generic company gives it an incentive to pursue multiple additional patents on dubious grounds, just for the sake of extending its market share. The fact remains that brand-name firms regularly introduce authorized generics on the eve of generic competition, further extending their hold on the market and chilling competition from independent generic drugs.

Every American agrees on the need to reduce health care costs. Today, generic medications comprise 69 percent of all prescriptions in this country, yet only 16 percent of all dollars spent on prescriptions. Furthermore, in 2007, the average retail price of a generic prescription drug was \$34.34, compared to the \$119.51 average retail price of a brand name prescription drug. In fact, generic drugs save consumers an estimated \$8 billion to \$10 billion a year at retail pharmacies. For working families, these savings can make a huge difference, particularly during difficult economic times.

Passage of the Fair Prescription Drug Competition Act would revitalize and protect the true intent of the 180-day marketing exclusivity period created in the Hatch-Waxman Act. This bill does just that by eliminating the authorized generics loophole, protecting the integrity of the 180-day exclusivity period, and improving consumer access to lower-cost generic drugs.

I urge my colleagues to support this timely and important piece of legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 55—EXPRESSING SUPPORT FOR DESIGNATION OF A “WELCOME HOME VIETNAM VETERANS DAY”

Mr. BURR (for himself, Mr. INHOFE, Mr. BOOZMAN, Mr. COCHRAN, Mr. ISAKSON, and Mr. JOHANNES) submitted the following resolution; which was referred to the Committee on Veterans’ Affairs:

S. RES. 55

Whereas the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces and the Army of the Republic of Vietnam;

Whereas the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

Whereas members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1961;

Whereas, as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

Whereas, in 1965, United States Armed Forces ground combat units arrived in Vietnam;

Whereas, by the end of 1965, there were 80,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

Whereas, on January 27, 1973, the Treaty of Paris was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

Whereas, on March 30, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

Whereas, on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

Whereas more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

Whereas, in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

Whereas the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

Whereas members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

Whereas the establishment of a "Welcome Home Vietnam Veterans Day" would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War; and

Whereas March 30, 2011, would be an appropriate day to establish as "Welcome Home Vietnam Veterans Day": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors and recognizes the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

(2) encourages States and local governments to also establish "Welcome Home Vietnam Veterans Day"; and

(3) encourages the people of the United States to observe "Welcome Home Vietnam Veterans Day" with appropriate ceremonies and activities that—

(A) provide the appreciation Vietnam War veterans deserve, but did not receive upon returning home from the war;

(B) demonstrate the resolve that never again shall the Nation disregard and denigrate a generation of veterans;

(C) promote awareness of the faithful service and contributions of such veterans during their military service as well as to their communities since returning home;

(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans to readjust to civilian life after military service; and

(E) promote opportunities for such veterans to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.

#### SENATE RESOLUTION 56—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S RES. 56

*Resolved*, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$3,924,299.

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$6,727,369.

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$2,803,070.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2013, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased

through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

#### SENATE RESOLUTION 57—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN submitted the following resolution; from the Committee on Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. RES. 57

*Resolved*, that, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2011, through September 30, 2011; October 1, 2011, through September 30, 2012; and October 1, 2012, through February 28, 2013, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2011, through September 30, 2011, under this resolution shall not exceed \$6,115,313, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2011, through September 30, 2012, expenses of the committee under this resolution shall not exceed \$10,483,393, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2012, through February 28, 2013, expenses of the committee under this resolution shall not exceed \$4,368,081, of which amount (1) not to exceed \$75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed \$25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).