The Servicemembers Access to Justice Act makes it easier for our servicemembers to fight for their USERRA rights in court if their employer requires them to relinquish them in order to be hired for or keep their job. This legislation would mandate studies of current employer education programs and solicit recommendations for ways in which government agencies could cooperate to enhance employer education. Additionally, the Servicemembers Access to Justice Act would enhance the remedies available to servicemembers who prove their rights under USERRA were violated, by adding increased penalties for willful violations.

We owe it to our servicemembers to ensure the fair enforcement of their employment rights. These men and women deserve our gratitude, and I am committed to supporting them during and after their service. Please join me in supporting this legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 470—DESIGNATING JULY 28, 2012, AS ''NATIONAL DAY OF THE AMERICAN COWBOY''

Mr. ENZI (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. BINGAMAN, Mr. CONRAD, Mr. CRAPO, Mr. HOEVEN, Mr. INHOFE, Mr. JOHANNS, Mr. JOHNSON of South Dakota, Mr. MERKLEY, Mr. REID of Nevada, Mr. RISCH, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 470

Whereas pioneering men and women, recognized as ''cowboys'', helped establish the American West;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy spirit exemplifies strength of character, sound family values, and good common sense;

Whereas the cowboy archetype transcends ethnicity, gender, geographic boundaries, and political affiliations;

Whereas the cowboy is an excellent steward of the land and its creatures, who lives off the land and works to protect and enhance the environment;

Whereas cowboy traditions have been a part of American culture for generations;

Whereas the cowboy continues to be an important part of the economy through the work of many thousands of ranchers across the United States who contribute to the economic well-being of every State;

Whereas millions of fans watch professional and working ranch rodeo events annually, making rodeo one of the most-watched sports in the United States;

Whereas membership and participation in rodeo and other organizations that promote and encompass the livelihood of cowboys span every generation and transcend race and gender;

Whereas the cowboy is a central figure in literature, film, and music and occupies a central place in the public imagination;

Whereas the cowboy is an American icon; and

Whereas the ongoing contributions made by cowboys and cowgirls to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2012, as ''National Day of the American Cowboy''; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. ENZI. Mr. President, I am proud to submit a resolution today to designate Saturday, July 28, 2012 as National Day of the American Cowboy. My late colleague, Senator Craig Thomas, began the tradition of honoring the men and women known as ''cowboys'' seven years ago when he introduced the first resolution to designate the fourth Saturday of July as National Day of the American Cowboy. I am proud to carry on Senator Thomas's tradition.

The resolution celebrates the history of cowboys in America and recognizes the important work today's cowboys are doing in the United States. The cowboy Spirit is about honesty, integrity, courage, and patriotism, and cowboys are models of strong character, sound family values, and good common sense. The first cowboys relied on hard work and persistence to make their living in a tough country. Today's cowboys haven't changed all that much from the first wranglers and ranch hands who started herding cattle on the Great Plains.

Cowboys continue to make important contributions to our economy, Western culture and my home State of Wyoming today. They live and work in every State to manage nearly 100 million cattle. Cowboys work hard, but they also play hard. Rodeo is a sport that tests skill with a rope or challenges a cowboy's ability to stay on the back of bucking rough stock for 8 long seconds. Rodeos across the nation draw millions of fans every year.

This year's resolution designates July 28, 2012, as the National Day of the American Cowboy. I look forward to celebrating this day, and I hope my colleagues will join me in recognizing the important role cowboys play in our country.

SENATE RESOLUTION 471—COMMENDING THE EFFORTS OF THE WOMEN OF THE AMERICAN RED CROSS CLUBMOBILES FOR EXEMPLARY SERVICE DURING THE SECOND WORLD WAR

Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. LIEBERMAN, Mr. NELSON of Florida, Ms. SNOWE, Mr. INHOFE, Mr. COCHRAN, Mr. PRYOR, Mrs. HUTCHISON, Ms. LANDRIEU, Ms. MIKULSKI, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 471

Whereas, during the Second World War, the American Red Cross was charged by the United States Armed Forces with providing recreational services to the soldiers serving in the war;

Whereas Harvey Gibson, the Red Cross Commissioner to Great Britain during the war, conceived of the Clubmobiles in 1942 as a means of providing hot coffee, fresh doughnuts, and a vital connection to home to thousands of servicemen at dozens of airfields, bases, and camps throughout Great Britain during the buildup to D-Day;

Whereas thousands of young women, from every State in the United States, volunteered to serve in the Clubmobiles, and were chosen after a rigorous interview process in which less than 20 percent of applicants were selected;

Whereas, less than 1 month after the invasion of Normandy, France in June 1944, 80 Clubmobiles and 320 American Red Cross volunteers crossed the English Channel and began providing coffee, doughnuts, and a friendly smile to servicemen fighting on the front lines;

Whereas the Clubmobile volunteers saw service across Europe in France, Belgium, Italy, Luxembourg, and Germany, and later in the Far East, touching the lives of hundreds of thousands of United States servicemen until victory was achieved;

Whereas, during the war, the American Red Cross purchased enough flour to produce more than 1,500,000,000 doughnuts, many served from the windows of a Clubmobile;

Whereas a visit from a Clubmobile, which could serve gallons of coffee and hundreds of doughnuts every minute, was often the most significant morale boost available to servicemen at war;

Whereas 52 women of the American Red Cross, some of whom served on the Clubmobiles, perished during the war as a result of their service; and

Whereas 70 years have passed since the Clubmobiles were founded, and only a few women who served in the Clubmobiles remain to share their stories: Now, therefore, be it

Resolved, That the Senate—

(1) commends the exemplary and courageous service and sacrifice of each of the patriotic women of the United States who served in the American Red Cross Clubmobiles during the Second World War;

(2) honors the Clubmobile women who lost their lives during the Second World War;

(3) calls upon historians of the Second World War to recognize and describe the service of the Clubmobiles, and to not let this important piece of United States history be lost; and

(4) urges the American Red Cross to publicly commemorate the stories of the Clubmobiles and the amazing women who served in them.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2150. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. VITTER, Ms. KLOBUCHAR, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table.

SA 2151. Mr. MANCHIN (for himself, Mr. KIRK, Mrs. GILLIBRAND, Mr. SCHUMER, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 3187, supra.

SA 2152. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3187, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2150. Ms. SNOWE (for herself, Mr. MCCAIN, Mr. VITTER, Ms. KLOBUCHAR, and Mrs. SHAHEEN) submitted an amendment intended to be proposed by her to the bill S. 3187, to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE XII—IMPORTATION OF PRESCRIPTION DRUGS

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Pharmaceutical Market Access and Drug Safety Act of 2012''.

SEC. 1202. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) Americans spend more than $200,000,000,000 on prescription drugs every year;

(6) the Congressional Budget Office has found that the cost of prescription drugs are between 35 to 55 percent less in other highly-developed countries than in the United States; and

(7) promoting competitive market pricing would both contribute to health care savings and allow greater access to therapy, improving health and saving lives.

SEC. 1203. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 1204. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 1203, is further amended by inserting after section 803 the following:

''SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

''(a) IMPORTATION OF PRESCRIPTION DRUGS.—

''(1) IN GENERAL.—In the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

''(A) the limitation on importation that is established in section 801(d)(1) is waived; and

''(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

''(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

''(A) the drug is imported by a pharmacy, group of pharmacies, or a wholesaler that is a registered importer; or

''(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

''(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

''(A) by a registered importer; or

''(B) from a registered exporter to an individual.

''(4) DEFINITIONS.—

''(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

''(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect.

''(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

''(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved.

''(B) QUALIFYING DRUG.—For purposes of this section, the term 'qualifying drug' means a drug for which there is a corresponding U.S. label drug.

''(C) U.S. LABEL DRUG.—For purposes of this section, the term 'U.S. label drug' means a prescription drug that—

''(i) with respect to a qualifying drug, has the same active ingredient or ingredients, route of administration, dosage form, and strength as the qualifying drug;

''(ii) with respect to the qualifying drug, is manufactured by or for the person that manufactures the qualifying drug;

''(iii) is approved under section 505(c); and

''(iv) is not—

''(I) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

''(II) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262), including—

''(aa) a therapeutic DNA plasmid product;

''(bb) a therapeutic synthetic peptide product;

''(cc) a monoclonal antibody product for in vivo use; and

''(dd) a therapeutic recombinant DNA-derived product;

''(III) an infused drug, including a peritoneal dialysis solution;

''(IV) an injected drug;

''(V) a drug that is inhaled during surgery;

''(VI) a drug that is the listed drug referred to in 2 or more abbreviated new drug applications under which the drug is commercially marketed; or

''(VII) a sterile opthlamic drug intended for topical use on or in the eye.

''(D) OTHER DEFINITIONS.—For purposes of this section:

''(i)(I) The term 'exporter' means a person that is in the business of exporting a drug to individuals in the United States from Canada or from a permitted country designated by the Secretary under subclause (II), or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

''(II) The Secretary shall designate a permitted country under subparagraph (E) (other than Canada) as a country from which an exporter may export a drug to individuals in the United States if the Secretary determines that—

''(aa) the country has statutory or regulatory standards that are equivalent to the standards in the United States and Canada with respect to—

''(AA) the training of pharmacists;

''(BB) the practice of pharmacy; and

''(CC) the protection of the privacy of personal medical information; and

''(bb) the importation of drugs to individuals in the United States from the country will not adversely affect public health.

''(ii) The term 'importer' means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

''(iii) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

''(iv) The term 'pharmacy' means a person that—

''(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

''(II) employs 1 or more pharmacists.

''(v) The term 'prescription drug' means a drug that is described in section 503(b)(1).

''(vi) The term 'wholesaler'—

''(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

''(II) does not include a person authorized to import drugs under section 801(d)(1).

''(E) PERMITTED COUNTRY.—The term 'permitted country' means—

''(i) Australia;

''(ii) Canada;

''(iii) a member country of the European Union, but does not include a member country with respect to which—

''(I) the country's Annex to the Treaty of Accession to the European Union 2003 includes a transitional measure for the regulation of human pharmaceutical products that has not expired; or

''(II) the Secretary determines that the requirements described in subclauses (I) and (II) of clause (vii) will not be met by the date on which such transitional measure for the regulation of human pharmaceutical products expires;

''(iv) Japan;

''(v) New Zealand;

''(vi) Switzerland; and

''(vii) a country in which the Secretary determines the following requirements are met:

''(I) The country has statutory or regulatory requirements—

''(aa) that require the review of drugs for safety and effectiveness by an entity of the government of the country;

''(bb) that authorize the approval of only those drugs that have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs;

''(cc) that require the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, and strength;

''(dd) for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective; and

''(ee) that require the labeling and promotion of drugs to be in accordance with the approval of the drug.

''(II) The valid marketing authorization system in the country is equivalent to the systems in the countries described in clauses (i) through (vi).