added as cosponsors of S. 358, a bill to codify and modify regulatory requirements of Federal agencies.

AMENDMENT NO. 46

At the request of Ms. CANTWELL, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of amendment No. 46 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 51

At the request of Mr. UDALL of New Mexico, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of amendment No. 51 proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 68

At the request of Mrs. MURRAY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of amendment No. 68 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 76 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

AMENDMENT NO. 83

At the request of Mrs. MURRAY, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of amendment No. 83 intended to be proposed to S. 223, a bill to modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE (for himself, Mr. BURR, Mr. COBURN, Mr. KYL, Mr. CRAPO, Mr. BOOZMAN, Mr. RISCH, Mr. GRAHAM, Mr. RUBIO, Mr. BLUNT, Mrs. HUTCHISON, Mr. WICKER, Mr. ISAKSON, Mr. BARRASSO, Mr. CHAMBLISS, Mr. JOHANNS, Mr. ENZI, Mr. GRASSLEY, Mr. THUNE, and Mr. CORNYN):

S. 360. A bill to reduce the deficit by establishing discretionary spending caps for non-security spending; to the Committee on the Budget.

Mr. INHOFE. Mr. President, we are trying to resolve one of the great problems I am sure my colleagues are sensitive to; that is, the infrastructure of this country. Today we have two witnesses next to each other, the head of the AFL–CIO and the head of the U.S. Chamber of Commerce, to show that liberals, conservatives, labor, and industry all feel this should be at least the second highest priority in America.

When I heard the President's budget yesterday and I looked at it, I shook my head in disbelief: $8.7 trillion in new spending, $1.6 trillion in new taxes—all these things. I remembered back when I was complaining in 1996 at this very podium during the Clinton administration. That was his budget. It was $1.5 trillion. Do my colleagues know that the deficit in this President's budget is greater than the entire budget of 1996—to run this whole thing called America. It was a shocker to me. It reminded me about how people talk about entitlements and how we are going to have to do something with that.

Something we can do right now is something I tried to do last year and the House Members are trying to do right now. When the President gave his message, he talked about how he was going to freeze nondefense discretionary spending and everyone applauded, thinking that was a great austerity program. In reality, he is talking about after he has increased it from 2008 levels to 2010 levels and then freezing in those increases. That is what I find unreasonable.

So I am reintroducing S. 360—I have a whole lot of cosponsors—to wind back the discretionary spending to 2008 levels and then freeze it at 2008 levels.

I will just tell you, briefly, what the bill does. It reduces the nonsecurity spending to 2008 levels and will hold it there for 5 years through 2016. After that, spending will be allowed to increase with the CPI of inflation between 2017 and 2021. The amount of money saved by this in that period of time would be over $1 trillion.

If I can put up the chart. This chart shows what is going to happen if we don't do that. The red is what is projected in the President's budget; the blue is what is projected if we are successful in doing this. I am very proud the House of Representatives Republicans in their budget have included my bill I introduced last year and that I am reintroducing today as S. 360 as part of their budget. I think it is responsible. We will be looking forward to getting cosponsors.

By Ms. COLLINS:

S. 361. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Finance.

Ms. COLLINS. Mr. President, Americans are resilient. Throughout our Nation's history, we have stood up to every challenge and we have stood together. At this moment in history, we face the challenge of recovering from the worst economic recession since the Great Depression. Through no fault of their own, too many Americans have lost their jobs and continue to struggle to find work in this tough economy. Putting Americans back to work is the key to economic recovery and must be the No. 1 goal for this Congress.

Today, I offer my own seven-point plan to help us reach that goal. This jobs plan recognizes that small businesses are America's job creators and, thus, our efforts must be targeted toward helping small businesses start up, grow, and prosper.

In Maine alone, we have 141,000 small businesses. During the past decade, America's small firms have created about 70 percent of all new jobs. But far too often Congress directs Federal policies and attention toward those businesses deemed too big to fail. Instead, we must redirect our efforts toward those small businesses that are too entrepreneurial to ignore.

The plan I am introducing today is based on extensive conversations I have had with small business owners and workers throughout the State of Maine. It also represents a great deal of hard work by my staff.

While each State has its own particular opportunities and challenges, the fundamentals of a jobs-oriented economic recovery are similar everywhere. As I illustrate my seven-point plan with examples from my home State of Maine, I believe the Presiding Officer and my colleagues will recognize similarities in their own home States.

First, my plan to build a 21st century economy begins with building a 21st century workforce. America's greatest asset is its people. Ensuring that American workers get the education and job training they need to compete in an increasingly global economy must be a top priority.

My plan amends the Workforce Investment Act to place special emphasis on job training programs that assist our manufacturing industry. I am tired of seeing so many manufacturing jobs leave my State and our Nation to go overseas. It is important we have a strategy to work with manufacturers, to work with local community colleges and universities to develop the manufacturing base curriculum, job training

programs, and research opportunities to ensure this generation and the next have the education and skills for the jobs of today and tomorrow. Some of those manufacturing jobs are gone forever. But others are coming online, and America must lead and Congress must support targeted funding to help provide the resources for this education and training.

In addition, we must provide workforce development assistance to those communities harmed as a direct consequence of the closure or realignment of military installations.

For example, the State of Maine is expected to lose more than 6,500 military and civilian jobs following the decisions made by the Base Realignment and Closure Commission in 2005. We are losing the Brunswick Naval Air Station in our State. There are many other States, including Illinois, Missouri, and New Jersey that are facing similar losses. In Virginia, nearly 40,000 jobs will be lost. In such cases where decisions made at the Federal level directly affect local employment, we have a special obligation to make sure displaced workers have the training and education they need to find new employment in their communities. After all, these communities have structured their economies to support military operations for decades, in many cases. Now that that lynchpin of the local economy is being pulled out, surely we have an obligation to help with the adjustment. My plan would redirect Economic Development Administration funds—EDA resources—to those communities most harmed by these decisions.

Targeted Federal funds can also be a catalyst for new economic opportunities. For example, I worked to secure one-time funding for a radiologic technician training program at a Maine community college. This program had broad support from local hospitals and from the college, but they simply couldn't afford the expensive equipment to get the program under way. With that one-time Federal investment, the program is now completely self-sustaining, and it produces between 18 and 20 graduates a year. Job placement has been 100 percent, with graduates earning starting salaries of about $40,000 a year. I am sure similar targeted job training success stories can be found in every State, and we ought to build on them.

We must also fix what has not worked as well as it should. Government agencies must provide more efficient and productive services to the American people. The Department of Labor, for example, should reduce paperwork and redtape associated with Federal job training programs. The Department should identify ways it could cut costs by working more closely with other government entities, such as the Department of Education, and with the private sector. The best programs I have seen at community colleges, for example, combine some job training funds with commitments from private employers to hire the graduates and to help shape those job training programs so we are training people for the jobs that exist or that are going to exist.

The second part of my plan would encourage innovation in Maine's natural resource-based economy. Nowhere is there greater potential than in energy. I want the United States to lead the world in developing renewable energy technologies, and that is going to require significant private and public investments to develop this technology and to make its deployment affordable. For example, deepwater offshore wind has enormous potential to help us meet our Nation's electricity needs, and it presents an exciting opportunity to create thousands of much needed, good-paying, and sustainable green jobs. Estimates show that the development of just 5 gigawatts of offshore wind off the coast of Maine—and that is just a fraction of the overall potential—could power more than 1 million homes, attract $20 billion of investment, and create more than 15,000 green energy jobs that would be sustained over 30 years.

Deepwater offshore wind is the key transformative technology that America needs in order to compete globally. Europe, China, Japan—our technology competitors—continue to make far larger investments in offshore wind R&D than we do. I am proud of the work of the University of Maine and the DeepCwind Consortium private sector investment to deploy loading wind turbines, which would be the first of its kind in the world, placing the United States in a position to lead in deepwater offshore wind technology.

Federal investments in programs to spur the advancement of deepwater offshore wind is an investment in America's future. Federal and State seed funding is expected to yield up to $4 billion in private sector investment over the next 10 years in Maine alone. With these investments, Maine is well positioned to be a global leader in this promising source of alternative energy. We must not lose these jobs to China, as has increasingly occurred with solar technology. Let's not let it happen with deepwater offshore wind technology.

We must also do more to promote agricultural exports. I know this is an issue of great interest to the Presiding Officer. In Maine, blueberries, potatoes, and lobster help create and sustain jobs in our State. Every $1 billion in agricultural exports supports 12,000 jobs. Therefore, increasing exports of our agricultural products could play an important role in reviving our economy. Boosting support for the Department of Agriculture's Foreign Agricultural Services will help promote our homegrown natural products abroad. This effort to increase agricultural exports could be paid for by strengthening our effort to curtail wasteful agricultural subsidies, such as payments to very wealthy corporate farmers who, frankly, do not need Federal assistance.

The corn-based ethanol tax break is another example of an extraordinarily expensive subsidy, costing taxpayers some $6 billion annually, and which has produced a host of problems from higher grain prices to impaired engine performance. We must reevaluate all programs that have not performed as promised and then reallocate their funding to job-creation initiatives and to deficit reduction.

Third, we simply must do more to encourage job creation and investment by small business. My plan includes a series of tax reform proposals targeted at these engines of job growth. The tax package agreed to by Congress and the President in December included a 2-percent cut in the employee portion of the payroll tax, but no cut was provided for the employer portion of the payroll tax.

With unemployment stuck above 9 percent for 21 consecutive months, we must do more to encourage businesses to hire. When I talk to small businesses, they tell me this is something we can do that would directly reduce the cost of hiring and encourage them to bring on more workers. My proposal includes a 2-percent reduction of the employer portion of the payroll tax on the first $50,000 of payroll for 1 year. This reduction in the employer portion of the payroll tax is estimated to lead to the creation of 1.4 million jobs. This will work.

As with the employee-side payroll tax relief we passed in December, my proposal would require the Treasury to reimburse the Social Security trust fund using general revenues. Again, the cost of this payroll tax relief can be offset by eliminating the ethanol and other wasteful subsidies and by implementing budget cuts for discretionary spending.

There are other provisions in my bill that are targeted toward small businesses. For example, section 179 is a provision of the Tax Code that small businesses have found to be very helpful. It allows them to immediately expense equipment purchases rather than depreciate those purchases over many years.

I also propose making permanent the tax provision allowing restaurants to depreciate equipment over 15 years rather than 39½ years. Think about it. If a restaurant is only renovating once every 40 years, that is not going to be very feasible or attractive to its patrons.

The plan would also reduce the depreciation periods on commercial and residential buildings to 15 years to encourage investment and jump-start the economy. We did that back in 1981, and it worked.

My fourth point is one that some small business owners, I know, would put at the very top of the list of what we should do; that is, we need to reduce the redtape that ties them in knots. Let me provide an illustration.

We need to make sure Federal regulations do not impose an unnecessary

burden on job creation. The EPA has proposed a new regulation known as the boiler MACT. This rule, as originally proposed, could cost Maine businesses $640 million to comply with, despite the fact there are less costly approaches to deal with boiler emissions. It also has Federal agencies working at cross-purposes. Here we have the Department of Energy trying to encourage the conversion to biomass boilers at the same time the EPA is putting burdensome new regulations on them.

The result in Maine was the Department of Energy awarded one Maine high school a $300,000 grant to help buy a new wood pellet boiler to reduce the school's use of fossil fuels. But because EPA's proposed regulations would have greatly increased the cost of that boiler, the school board ended up turning down the grant. This is an example of where the right hand did not know what the left was doing.

My point is that Federal agencies should take into account the impact on small businesses and job growth before imposing new rules. Thus, my plan contains several provisions to help reduce onerous regulations and cut redtape.

First, it requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Second, it obligates Federal agencies to comply with public notice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as ''guidance documents.''

Third, it creates a mechanism to protect small businesses from onerous penalties the very first time they fail to comply with a paperwork requirement as long as no harm comes from that failure. If it is an honest, first-time mistake that causes no harm, why do we want to slap that small business with a heavy fine? That does not make sense.

The fifth point in my plan is aimed at our transportation policies. Getting raw materials to the factory or farm and finished products to market quickly, efficiently, and safely must be a priority. But the inconsistent and inequitable Federal policy on truck weight limits on interstate highways provides a telling example of where we are doing the opposite. The consequences are particularly acute in Maine.

I have spoken on this issue many times, so I am going to briefly describe it. Maine's businesses and trucking firms are currently at a competitive disadvantage because Federal law prohibits the heaviest trucks from using Federal interstates and instead diverts them to downtown streets and secondary roads. This means, for example, that nearly 260 miles of nonturnpike interstates that are the major economic corridors in my State are off-limits. Yet these same trucks are permitted on many Federal interstates in New Hampshire, Massachusetts, parts of New York State, and neighboring provinces in Canada. That makes Maine and Vermont an island of noncompetitiveness. It just does not make sense. The heaviest trucks belong on the roads built for them.

In 2009, I authored a law to establish a 1-year pilot project to allow trucks weighing up to 100,000 pounds to travel on Maine's Federal interstates. This project was an enormous success. It helped to preserve and create jobs because it allowed our businesses to be more efficient. It lowered fuel costs. It resulted in fewer carbon emissions, and it made our roads safer. Working with Senator LEAHY, I am trying to make this permanent.

Point No. 6: We must invest in America's future. Research and development investment is critical to the breakthroughs we need to keep our economy competitive and to create good-paying jobs. The R&D tax credit provides an important incentive, but it needs to be updated so more companies can benefit from it. And there needs to be more certainty. Just having that tax credit from year to year discourages the kind of long-range planning and investment companies need. My plan includes a 5-year extension of the R&D tax credit. That is likely to happen, but by doing it year by year we create all these disincentives for investment.

Finally, the seventh point in my plan would help expand opportunities for small businesses and farmers to do business with the Federal Government. We need to help our small businesses, our farmers tap into markets they have not previously explored. As the former head of the New England Small Business Administration, I know how essential this drive for new markets is for job creation and for our economy.

One approach we are going to take is my Washington and State offices are going to redouble their efforts to help small businesses reach the Federal Government because the Federal Government is the largest consumer of goods and services in our country. I know that disturbs a lot of Americans right now, and it shows the size of the Federal Government. The fact is, the Federal Government purchased more than $535 billion worth of goods and services in this past fiscal year. Some 23 percent of that spending is directed to small businesses, and last year the value of Federal contracts to small businesses in my State alone was more than $250 million. If we can expand the opportunity for small businesses to do business with the Federal Government, that is a brandnew market for their products and services.

Last year, along with my colleague, Senator SNOWE, and in conjunction with the Department of Defense Northeast Regional Council and the Maine Procurement Technical Assistance Center, I sponsored a small business matchmaker conference that brought together government agencies and prime contractors with our small business community to match up the purchasing needs with goods and services. It was a 3-day conference in south Portland. It was a tremendous success. We had about 385 small business owners and representatives from 135 government agencies and prime contractors looking to subcontract work meet face to face, sit down, exchange ideas.

Let me give an example of a successful connection that was made. A representative of a $2 billion aerospace company sat across the table from the owner of a 40-employee Maine machine shop with experience in very high quality, high-end custom work. That first meeting led to a significant business relationship that continues to grow.

I note that at our conference in south Portland, our total number of registrants was 597 people, and that just shows how eager our small businesses are to expand their customer base.

One great benefit of the matchmaker approach is instead of a small business working for weeks or even months to try to find the right person in the vast government bureaucracy or the right prime contractor, our entrepreneurs merely need to sit down across the table with them. It is direct, effective, and efficient.

But, obviously, it is not easy to do business with Uncle Sam. The rules and regulations are often strict, cumbersome, and unfamiliar. That is where our offices can help.

My plan also calls for Congress to work harder to open the Federal marketplace beyond the Washington beltway to entrepreneurs in every State. That will benefit our job creators and the American taxpayer because there will be more competition.

The struggling economy has challenged our Nation's entrepreneurial spirit, but that spirit remains strong in Maine, in your State of New York, Madam President, and across the Nation. We will recover from this deep recession, but the recovery depends on the right policies in Washington to encourage the innovative and bold job creators of America. That means helping our small businesses start up, grow, prosper, sustain, and create good jobs.

My seven-point jobs plan offers a straightforward path forward for Congress to lead rather than impede job creation at this critical juncture in our history and in our recovery.

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

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

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL,
Oakton, VA, February 16, 2011.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: The Small Business & Entrepreneurship Council (SBE Council) and its members across the nation appreciate and support your proposed ''Seven Point Plan for Growing Jobs Act.''

As you are aware, entrepreneurs, small businesses and the overall economy have been suffering due to uncertainty and rising

costs when it comes to federal tax and regulatory measures. Your legislation's sections on small business tax relief and regulatory reform thankfully would provide some relief and clarity.

For example, making permanent the expanded expensing levels for capital expenditures made by small businesses would be a plus for investment, creating jobs, and boosting incomes.

In addition, the repeal of the 1099 reporting requirements included in the Patient Protection and Affordable Care Act—i.e., that businesses must issue 1099 forms to all vendors for goods purchased exceeding $600—would remove a big, looming paperwork burden for the small business community.

In addition, the measures to improve upon the federal government's regulatory process are most welcome, including the requirement that agencies submit a cost-benefit analysis for each significant regulation, that this process be open and more transparent to the public, and that small businesses be given opportunities to seek waivers of penalties for first-time, non-harmful paperwork violations.

These are positive tax and regulatory reforms that will help small businesses in their ongoing struggles to deal with the otherwise mounting burdens from government.

Thank you for your leadership Senator Collins. SBE Council looks forward to working with you to ensure this important legislation is advanced into law.

Sincerely,

KAREN KERRIGAN,
President & CEO.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 16, 2011.

Senator SUSAN COLLINS,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business organization, I am writing in support of the Seven Point Plan for Growing Jobs Act. Your bill would help to support a small business recovery by addressing two of their most important problems—taxes and regulations.

Small businesses account for about two-thirds of the net new jobs created, but they continue to struggle. The most recent monthly NFIB Small Business Economic Trends (SBET) Survey, found that small business confidence was up slightly, but still below prerecession levels and not improving fast enough to support meaningful job creation. While sales continues to be the number one problem facing small business, second and third in the survey are taxes and regulations.

The Seven Point Plan for Growing Jobs Act provides both short-term and long-term tax relief for small business. First, the bill would build on last year's payroll tax cut for employees by providing an equal reduction in the portion of the payroll tax paid by employers. Payroll tax relief will help to reduce the cost of hiring, making it less expensive for small businesses to retain and add new workers.

Over the last few years, capital expenditures have been at or near an all-time low in the SBET survey. To address this, the bill includes permanent investment incentives that will help small businesses cover the cost of new investments as they recover from the recession. Specifically, the bill would make permanent the increased and expanded section 179 expensing provision and shorter depreciation periods for business properties such as restaurants and retail spaces, as well as commercial buildings.

The proposal would also repeal the expanded 1099 reporting requirements included in the Patient Protection and Affordable Care Act (PPACA), reducing the tax-filing burden on small businesses. Based on an NFIB Small Business Survey, tax paperwork is already the most expensive paperwork burden placed on small business by the federal government and the new 1099 requirements would increase this cost dramatically.

The Seven Point Plan for Jobs Act also provides important regulatory reforms for small businesses. It allows for a reduction or waiver of penalties on small businesses the first time the business makes a non-harmful mistake on paperwork. Because the paperwork burden often falls on the small business owner—and because small businesses do not have dedicated compliance staff—this relief for innocent mistakes is most welcome.

The bill also provides agencies the ability to better analyze both direct and indirect costs and benefits, which will give the public more accurate information on the economic impact of proposed rulemakings. In addition, the bill requires agencies to treat guidance documents for significant rules as the enforceable standards they are. With this measure, small businesses and the public will have a greater input on these important documents.

Again, thank you for introducing this important legislation, which will help small business and support a meaningful economic recovery and job creation. We look forward to working with you.

Sincerely,

SUSAN ECKERLY,
Senior Vice President, Public Policy.

By Mr. CARDIN (for himself and Mr. WHITEHOUSE):

S. 372. A bill the ability of terrorists, spies, criminals, and other malicious actors to compromise, disrupt, damage, and destroy computer networks, critical infrastructure, and key resources, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. CARDIN. Mr. President, the Internet has had a profound impact on the daily lives of millions of Americans by enhancing communications, commerce, education and socialization between and among persons regardless of their location. Internationally, we have seen the transformative power of the Internet in places like Egypt. A free and open Internet gives strength and a voice to people worldwide and should be protected from censorship and other forms of suppression. But the Internet and those who engage in communications and commerce across cyberspace must be safe—protected from predators like criminals, terrorists and spies who wish to exploit or compromise information and systems connected to the Internet. Our Nation is vulnerable to such attacks, but working together, in partnership with the private sector, we can find a balance that keeps information flowing freely while keeping us all safe from harm.

I have been focusing on cybersecurity issues for quite some time. More than a year ago, as the former chairman of the Terrorism and Homeland Security Subcommittee of the Judiciary Committee, I chaired a Subcommittee hearing titled ''Cybersecurity: Preventing Terrorist Attacks and Protecting Privacy in Cyberspace.'' The hearing included witnesses from key federal agencies responsible for cybersecurity, as well as representatives of the private sector. We reviewed governmental and private sector efforts to prevent a terrorist cyber attack that could cripple large sectors of our government, economy, and essential services.

The cybersecurity expertise that I have developed has convinced me that the Government and the private sector can and should work together to protect the American people in cyberspace. As a result, I am reintroducing the Cybersecurity and Internet Safety Standards Act, CISSA. This bill, which is cosponsored by Senator WHITEHOUSE, will require the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Commerce, and the Director of National Intelligence, to conduct an analysis to determine the costs and benefits of requiring internet service providers and others to develop and enforce minimum voluntary or mandatory cybersecurity and Internet safety standards. Under this bill, the Secretary of Homeland Security will be required to report to Congress within one year with specific recommendations. Cybersecurity must be a top priority. This bill will help secure our nation's digital future by keeping the American people and our cyber infrastructure safe without hampering the freedoms inherently found in an open and accessible Internet.

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. 372

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 ''Cybersecurity and Internet Safety Standards Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMPUTERS.—Except as otherwise specifically provided, the term ''computers'' means computers and other devices that connect to the Internet.

(2) PROVIDERS.—The term ''providers'' means Internet service providers, communications service providers, electronic messaging providers, electronic mail providers, and other persons who provide a service or capability to enable computers to connect to the Internet.

(3) SECRETARY.—Except as otherwise specifically provided, the term ''Secretary'' means the Secretary of Homeland Security.

SEC. 3. FINDINGS.

Congress finds the following:

(1) While the Internet has had a profound impact on the daily lives of the people of the United States by enhancing communications, commerce, education, and socialization between and among persons regardless of their location, computers may be used, exploited, and compromised by terrorists, criminals, spies, and other malicious actors, and, therefore, computers pose a risk to computer networks, critical infrastructure, and

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 Affairs, 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. INOUYE, 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, INOUYE, 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. JOHANNS) submitted the following resolution; which was referred to the Committee on Veterans' Affairs: