

In Minnesota, 2 million families and small businesses will see their Federal income taxes increase by an average of \$1,600 unless the middle-class tax cuts are extended. Instead of waiting until the eleventh hour, this legislation would have provided certainty for families and small businesses that their already squeezed budgets won't have to be trimmed further in the coming year.

I would like to make clear that extending the middle-class tax cuts is just the first step. There is a growing majority here that favors comprehensive tax reform that would simplify the Tax Code, broaden the base, and lower tax rates. Passing the middle-class tax cuts today would give us time to reach consensus on the details of reform that would streamline our Tax Code, pay down our debt, and ensure the United States remains competitive.

We also must take action on the estate tax. If Congress does nothing, the exemption would drop to \$1 million and the rate would rise to 55 percent. This is not an acceptable outcome and would hurt farmers and small businesses in Minnesota who have worked hard to build a legacy they can pass on to their children and grandchildren. In the past we have come together to pass compromise levels that don't harm farmers and small business owners, while still being mindful of our deficit. I will work to ensure it happens again.

Mr. BENNET. Mr. President, I rise to talk briefly about the estate tax and Colorado's agricultural community and small businesses. While I voted in favor of the Middle Class Tax Cut Act, I do not believe that this legislation represents an end to the tax reform debate in Washington. In particular, it is important that we find a bipartisan and responsible path forward on the estate tax that provides the necessary certainty for businesses and families across Colorado. This is vital for Colorado's economy. I am committed to working with my colleagues in Congress to establish an estate tax policy that works for small businesses, family farms and ranches, and all Coloradans.

#### CYBERSECURITY ACT OF 2012— MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 470, S. 3414.

The VICE PRESIDENT. The clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

#### CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion which has been filed at the desk and I ask that it be reported.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, John D. Rockefeller IV, Dianne Feinstein, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Jeff Bingaman, Patty Murray, Max Baucus, Charles E. Schumer, Bill Nelson, Christopher A. Coons, Tom Udall, Carl Levin, Mark R. Warner, Ben Nelson.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

#### HONORING SENATOR LEAHY AND SENATOR LUGAR

Mr. REID. Mr. President, I rise with great pleasure to honor my colleagues, Senator PATRICK LEAHY of Vermont and DICK LUGAR of Indiana, as they reach a milestone in their careers. They each cast a momentous vote just a short time ago. For Senator LEAHY, the vote just cast is his 14,000th rollcall vote. For Senator LUGAR—it is interesting that it is the same day and 1,000 votes apart—it is his 13,000th. These two fine men and dedicated Senators share the milestone purely by coincidence.

I applaud PAT LEAHY, my dear friend, who has always possessed a great drive to serve. Maybe it was growing up across from the State House in Montpelier that put the idea in his head from such a young age.

After graduating from Georgetown University Law School, PAT served 8 years as State's attorney for Vermont before coming to the Senate. He continues to exercise his fine legal mind as chairman of the Senate Judiciary Committee. Senator LEAHY has also led the fight against landmines, as well as numerous landmark pieces of legislation on which he has been the leader.

PAT is loved by the people of Vermont. His intellect and his oratorical skills, his boldness, and his persuasiveness are all overshadowed by one thing—by his teammate Marcelle. Marcelle is clearly his greatest asset.

I also commend my colleague Senator LUGAR on reaching his milestone of his 13,000th vote. Senator LUGAR is a fifth-generation Hoosier, a proud Navy veteran, and the longest serving Member of Congress in Indiana history. He is also a bit of an overachiever, graduating first in both his high school and college classes, and going on to become a Rhodes Scholar at Oxford.

As ranking member of the Foreign Relations Committee and past chairman of the committee, having served with the Presiding Officer for decades, he has dedicated his time in the Senate to reducing the threat of nuclear, chemical, and biological weapons.

It has been my distinct pleasure to watch both of these fine Senators work tirelessly on behalf of the United States. I congratulate both of them on

their service and on reaching this impressive milestone.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, as the majority leader has indicated, two legislative milestones have been reached in the Senate today by two dedicated and long-serving Senators who happen to be from different sides of the aisle. I pay tribute to the senior Senator from Vermont, Mr. LEAHY, for casting his 14,000th vote, and to the senior Senator from Indiana, Mr. LUGAR, for casting his 13,000th vote.

To put these milestones in perspective:

Senator LEAHY, a Member of the Senate since 1975, ranks sixth on the all-time rollcall vote list, most recently passing former Senator Pete Domenici. Senator LUGAR, who was first elected to the Senate 2 years later, in 1976, ranks tenth on the all-time list and most recently passed our former colleague and current occupant of the chair, Vice President JOE BIDEN. This is not only a remarkable accomplishment of longevity for both men, it is also an opportunity for their colleagues to honor them for their decades of service to the people of Indiana and of Vermont.

Senator LEAHY isn't just the second most senior Senator in this body, he is also the chairman of the Judiciary Committee and a senior member of the Agriculture and Appropriations Committees. PAT and I got to know each other pretty well, alternating as chairman and ranking member of the Foreign Operations Subcommittee of Appropriations for over a decade. Somehow he finds time to also be an amateur photographer and to have a blossoming movie career. I have no doubt he gives most of the credit, of course, to Marcelle, his wife, with whom he will be celebrating a far more important milestone in the next month, their 50th wedding anniversary. So congratulations to PAT on both counts.

As for our friend Senator DICK LUGAR, I have known him going back to my first Senate campaign. He is the longest serving Member of Congress in Indiana history and one of America's most widely respected voices on foreign policy. In a career filled with many achievements and milestones, Senator LUGAR's leadership on the Nunn-Lugar Cooperative Threat Reduction Program is, in my opinion, his greatest and most lasting achievement with the American people—not only for the American people and for the security of this country, but for the promotion of peace throughout the world. Because of Senator LUGAR's work, thousands of nuclear warheads have been dismantled and the world is, indeed, a safer place.

Like Senator LEAHY, I know Senator LUGAR would say none of this would have been possible without the love and support of his wife of 55 years, Charlene. So I congratulate them both on this milestone and I join my colleagues in once again paying tribute to

our two colleagues and this signature achievement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise to congratulate my longtime friend and colleague from Vermont, Senator PATRICK LEAHY, on the occasion of his 14,000th vote. That is a lot of votes. In the long history of our Republic, only six Senators have achieved that milestone before him.

Born in Montpelier, VT, our State's capital, educated at St. Michael's High School in Montpelier, St. Michael's College in Colchester, VT, and Georgetown University Law School, Senator LEAHY was first elected to the Senate in 1974—the first and, to this date, only Democrat elected to the Senate from Vermont. I remember that campaign very well because I was in it, and PAT LEAHY got a lot more votes than I did.

Before assuming the office of U.S. Senator, PAT LEAHY gained a national reputation for law enforcement during his 8 years as State's attorney in Chittenden County—the State's largest county.

Over his 3½ decades here in the Senate, PATRICK LEAHY has many remarkable achievements. Let me just mention a few.

Cognizant of the suffering and tragedy that landmines cause for civilian populations, PATRICK LEAHY has led, in this body and, in fact, the entire U.S. Government, the campaign to end the production and use of antipersonnel landmines. Many lives and limbs have been saved as a result of Senator LEAHY's efforts.

With similar commitment and passion, as chair of the Senate Judiciary Committee, PATRICK LEAHY has led the effort to insist on fairness at the Department of Justice, to support free speech and a free press, and to require and maintain openness and transparency in government. At a time of major infringements on privacy rights in this country from both the private sector and the government, PAT LEAHY has been a strong champion of civil liberties and the Constitution of the United States.

Senator LEAHY, reflecting Vermont's very strong consciousness regarding the need to preserve our environment, has for many years been a champion of environmental protection and has been named over and over one of the top environmental legislators by the Nation's foremost conservation organizations. He has been, as Vermonters well know, a special champion in preserving the high quality of water in Lake Champlain, our beautiful lake, perhaps the most valuable natural resource we have in our State.

Today, I congratulate, on behalf of the people of the State of Vermont, Senator PATRICK LEAHY on the occasion of his 14,000th vote and look forward to working with him as closely in the future as we have worked in the past.

Mr. DURBIN. Mr. President, I want to add my voice to the well-deserved chorus of congratulations for our colleague and friend from Vermont.

Senator PATRICK LEAHY is the last remaining member of a historic class in the U.S. Senate, the class of 1974, better known as the "Watergate babies." And he has been making history ever since.

Casting 14,000 votes in the Senate is kind of like joining the 3,000 Hit Club in baseball. It is an achievement many dream of but few actually reach.

More important than the number of votes Senator LEAHY has cast, however, is the wisdom and courage of his voting record.

It has been my privilege to serve on the Senate Judiciary Committee for more than 15 years. During that time Senator LEAHY has been either our committee chairman or its ranking member.

I have the greatest respect for PATRICK LEAHY's fidelity to the rule of law and his determined efforts to safeguard the independence and integrity of America's Federal courts. He is a champion of human rights at home and abroad.

I congratulate him on this milestone. As an old friend of his might say, just keep truckin' on.

Mr. President, I also want to congratulate another friend and colleague, Senator RICHARD LUGAR from Indiana.

Senator LUGAR knows that wisdom is not the exclusive property of any one political party.

He bases his political decisions not on polls or the passions of the day but on what his conscience and his own careful study tells him is right.

Two years ago, DICK LUGAR joined me in asking the President not to deport young people who were brought to this country at a young age by their parents.

When the DREAM Act was on the Senate floor a year and a half ago, Senator LUGAR was one of three Republicans who voted in support.

He coauthored the Nunn-Lugar Cooperative Threat Reduction Act—one of the most visionary and courageous bipartisan achievements in recent time.

His work on the Global Fund has helped the United States meet its commitment to the single most powerful tool in the fight against AIDS, tuberculosis and malaria.

Senator LUGAR has served six terms in the Senate, and he will be missed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank, of course, the majority leader and the Republican leader, friends with whom I have served for years—and we have always been friends—for their kind words.

I want to thank my colleague from Vermont, another dear friend. Our careers have paralleled in many areas—from the time he was the mayor of our largest city, to being our lone Representative in the House of Representa-

tives, to now being my partner here in the Senate.

Of course, as to my dear friend DICK LUGAR, we have worked together so many times. We alternated between being the chair and ranking member of the Senate Agriculture Committee. He did a great deal on the environment, passed an organic farm bill, did so many things, all the time when he was doing his invaluable work to protect our Nation against nuclear weapons.

Mr. President, I value the Senate. I love the Senate. It has been a major part of my life. But I was glad to hear both leaders mention the true love of my life, my wife of nearly 50 years. There is nothing I have accomplished throughout my whole public career that I could have done without Marcelle's help. Not only has she raised three wonderful children and is helping to raise five wonderful grandchildren, every single day I have been a better person because of her. When we first started the race for the Senate in 1974, few people said I could win. Marcelle and I campaigned together. She always said I could. And we did.

None of us know how long we might be in the Senate, but I have valued every single moment here, and I will value every single moment as long as I am here.

I am glad Marcelle is here. She is joined by my dear and valuable friend PETER WELCH, our Congressman from Vermont, and his wife Margaret, but also so many members of my staff. I feel that I have been blessed with the finest staff any Senator has ever had. Again, they are the ones every day who, if I look good and do something well on this floor, I give the credit. I joke that I am a constitutional impediment to them totally running everything. But thank goodness they are there. I will speak more about this at another time.

But it is a special feeling to be here with my friend DICK LUGAR, to hear the kinds words of my friend and colleague BERNIE SANDERS, to know that the other Member of our delegation—we are a huge delegation; all three Members—PETER WELCH is here. But especially I acknowledge Marcelle and Kevin, Alicia, and Mark, and their families. How wonderful it is to be here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, what a pleasure it is to be with my colleague PAT LEAHY on this very special day. It was a great coincidence that the 13,000th vote and the 14,000th vote should occur this afternoon, but what a joyous moment to be with my friend on this experience.

I once again thank the leader MITCH MCCONNELL of our party and HARRY REID the majority leader of the Senate for their very generous remarks about both PAT and me.

I join PAT in extolling the virtues of those who have made such a difference in our lives. My wife Charlene, our 4

sons, our 13 grandchildren, our great-grandchildren—these are very precious people who have made such a difference in my life and made it possible for me to have good health and spirits throughout all this time and to enjoy thoroughly this experience.

I would just add to the remarks of my colleague that tomorrow we hope to have a little celebration in the Agriculture Committee room.

Long ago, at the beginning of our careers, PAT and I were situated at the end of the long table that stretched the length of the Agriculture Committee room. Our chairman, Herman Talmadge of Georgia, was at one end with Senator Jim Eastland of Mississippi. I am not certain what the rules of the Senate were at that time, but I recall that frequently both were enveloped in smoke at the end of the room, and it seemed to me that they were, in fact, developing whatever the policy was going to be and making decisions. As a matter of fact, sometimes they simply arose, and PAT and I were left to ponder really what had occurred.

So it was appropriate that our two portraits should be put at the end of the table, at the entry to the Agriculture Committee room, where we once sat as the most junior members and eventually ascended to the chairmanship, having great experiences together in farm policy and the ability to help feed the world.

I am grateful, likewise, for Vice President BIDEN's presence today because he was a wonderful partner in the Foreign Relations Committee for so many years. I was not aware that the Vice President would be in the chair. I told him I was somewhat embarrassed because my 13,000th vote finally eclipsed his votes, and he ranks now 11th. JOE was aware of that. He had in the chair today the rankings 1 through 11. So we are sort of all situated and still love each other in the process.

I thank all Senators for the honor that has been accorded for this opportunity to address the body. This has been a great experience of my life, and this has been a very special moment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, first of all, I congratulate my colleagues, Senator LEAHY and Senator LUGAR, for this achievement and thank them for their service to the country.

I also appreciate the willingness of Senator COLLINS and Senator LIEBERMAN to allow me to speak for a few minutes before we return to the business at hand—legislation regarding cybersecurity.

USDA EMPLOYEE NEWSLETTER

I want to point out to my colleagues—and perhaps to the Depart-

ment of Agriculture—something I saw today that caught my attention. In fact, it is amazing to me, this development.

This is the Department of Agriculture's—the USDA—employee newsletter I hold in my hand. In that newsletter, it says the following—it has a section in the newsletter that says "Food Services Update." Well, the Department of Agriculture, which, in my view, has a serious and significant responsibility to promote agriculture, says this in their own newsletter:

One simple way to reduce your environmental impact while dining at our cafeterias is to participate in the "Meatless Monday".

"Meatless Monday."

This effort . . . encourages people not to eat meat on Mondays. . . .

How will going meatless one day of the week help the environment? The production of meat, especially beef (and dairy as well) has a large environmental impact. According to the U.N.—

"According to the U.N."—

animal agriculture is a major source of greenhouse gases and climate change. It also wastes resources. It takes 7,000 kg of grain to make 1,000 kg of beef. In addition, beef production requires a lot of water, fertilizer, fossil fuels, and pesticides. In addition there are many health concerns related to the excessive consumption of meat. While a vegetarian diet could have a beneficial impact on a person's health and the environment, many people are not ready to make that commitment. Because Meatless Monday involves only one day a week, it is a small change that could produce big results.

Our own Department of Agriculture, again, at least from my perspective—and we ought to look at what the mission of the Department of Agriculture is, and I think it will reflect what I am saying—is to promote agriculture, to help those who every day go to work to produce food, fiber, and fuel for this country and the world. Yet our own Department of Agriculture is encouraging people not to eat meat and indicates—from these statements, again, from their newsletter—that "the USDA Headquarters Food Operations are a high profile opportunity to demonstrate USDA's commitment to USDA mission and initiatives."

So it would not surprise me if what you see is that the Department of Agriculture somehow loses this newsletter. But it is posted on their Web site, and I would encourage Secretary Vilsack and the officials at the Department of Agriculture to rethink their role in discouraging something that is so vital to the U.S. economy and something so important to the Kansas economy.

We are a beef-producing State, and it generates significant revenue for Kansas farmers and ranchers and is one of the items that improve our balance of trade, as we export meat and beef around the world. Yet our own Department of Agriculture encourages people not to consume meat.

I think I will have more to say about this topic, but for the moment, in light of the kindness that was extended to me by the Senators, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Kansas. Normally, when you yield the floor to a colleague in the Senate, you are not sure how long they are going to speak. So he not only kept his word to speak for less than 3 minutes, he proved that he continues to have some lingering holdover reflexes from his service in the House of Representatives, where they always speak shorter than we do.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3414.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support that motion to proceed to S. 3414, which is the Cybersecurity Act of 2012, and I do so with the hope and request that all of our colleagues will vote yes on this motion to proceed so we can begin what I think is a crucial debate about how best to protect our national and economic security in this wired world where threats increasingly—and thefts—come not from land, sea, or sky, but from invisible strings of ones and zeros traveling through cyberspace.

This bill has been a long time in coming to the floor. A lot of work has been done on it. But I must say, I have a sense of confidence, certainly, about the inclination of the overwhelming majority of Members of the Senate to vote to proceed to this matter because I think everyone in the Chamber understands what we are dealing with is not a problem that is speculative or theoretical.

Anybody who has spent any time not even studying the classified materials on this but just reading the newspaper, following the media, knows that America is daily under constant cyber attack and cyber theft. The commander of Cyber Command, GEN Keith Alexander, said recently in a speech that cyber theft represented the largest transfer of wealth in human history.

That is stealing of industrial secrets and moving money from bank accounts. I believe he said it was as if we were having our future stolen from us. It is all happening over cyberspace. Obviously, enemies—both nation states, nonstate actors such as terrorist groups, organized criminal gangs, and just plain hackers—are finding ways to penetrate the cyber systems on which our society depends, the cyber systems that control critical infrastructure: electric grid, transportation system, the whole financial system, the dams that hold back water, et cetera, et cetera.

This bill is not a solution in search of a problem. It is a problem that is real and cries out for the solution this bill would provide. There are some controversial parts of the bill. There has been some spirited debate both in committee and in the public media about it. There is a competing bill introduced by some of our colleagues called SECURE IT.

But I want to report to the Chamber and to the public that there was a significant breakthrough today where the lead cosponsors of our bill, Senators COLLINS, ROCKEFELLER, FEINSTEIN, CARPER, and I met with the lead cosponsors of the other bill, Senators CHAMBLISS, MCCAIN, and HUTCHISON, along with a group of Senators led by Senator KYL and Senator SHELDON WHITEHOUSE, who, along with Senator COONS, Senator MIKULSKI, Senator COATS, and others who have been working very hard to create common ground because they recognize the urgency of this challenge.

Well, this is good news. We got a motion to proceed, which, in the current schedule, will come up on Friday. I think it would send a message of real encouragement to the public that we can still get together across party lines on matters of urgent national security if we adopted that motion to proceed overwhelmingly, particularly now that we are engaged in dialogue with the leaders of these main bills and people trying to bridge gaps that began to meet today. We will meet again tomorrow morning. So I think we have a process going that can lead us to a very significant national security accomplishment.

I am going to yield at this time to Senator ROCKEFELLER, the chair of the Commerce Committee, whose committee produced a bill of its own. He worked very closely with Senator COLLINS and me to blend our bills. We did. Senator FEINSTEIN came along with her chairmanship of the Intelligence Committee of the Senate, did some tremendous work on the information-sharing provision, title VII of the bill before us.

I know Senator ROCKEFELLER has another engagement which he has to go to. So I am going to yield to him for his opening statement. Then Senator COLLINS, who, as always, for all these years, has been just the most steadfast, constructive, sturdy, reliable, creative partner in working on this bill. It gives me confidence that together we will see it to success next week. So I will now yield to the distinguished senior Senator from West Virginia, who is a real expert on this subject and has contributed enormously to the bill that is pending before the Senate now.

Mr. ROCKEFELLER. My dear colleague, I would feel better if the Senator from Maine spoke before I did.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Maine.

Ms. COLLINS. Mr. President, that is very kind of the Senator from West Virginia. My statement is quite lengthy. So if the Senator from West Virginia, in light of his commitment, would like to precede me, I would be more than happy to have him do so. I would encourage him to go ahead. Then the Senator from Connecticut has graciously said he would allow me to go next. We are all so nice around here.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I wish all negotiations proceeded with

such comity. For those of us who have lived long enough, we have seen, obviously, enormous transition. We are in a totally new age.

Today, as we begin our debate, over 200 billion e-mails will be sent around the world to every continent. Google, a company that really is just 10 years old, will process over 1 billion searches and stream more than 2 billion videos today. And in the next minute, about 36,000 tweets will be posted on Twitter. So we are now connected as we never have been before.

Here in the United States we have been the leader in both its development and adoption of the initial structure. Actually, it is interesting because it was created by our own government. The open nature of the Internet can be traced back to our initial decision in the government to relinquish control of what we had invented, so to speak. So to this day our Nation remains a leader in using the Internet's innovation and growth.

In just over a decade, we have digitized and networked our entire economy and our entire way of life. Every one of our most critical systems now relies upon these interconnected networks: power grids, transportation systems, gas pipelines, telecommunications. They all rely on networks to function. They all rely on the Internet. Yet the ramifications of this new era remain poorly understood by many; frankly, by most.

History teaches us that disruptive technological advancements can bring about both opportunities and also dangers. We cannot let our exuberance blind us from this simple truth. We cannot ignore the part of the equation in this happy adventure of ours that is unpleasant. This is it. These technological advances can compromise our national security and indeed are already doing so.

The connectivity brought about by the Internet and the new ability to access anything, combined with our decision as a country to put everything we hold dear on the Internet, means we are now vulnerable in ways that were unfathomable just a few years ago. Yes, we rushed to digitize and connect every aspect of the American economy and way of life. We have spent little time focusing on what this actually means with respect to our security. We have left ourselves extraordinarily vulnerable.

The consequences, as pointed out by the Senator from Connecticut, are devastating. Our intellectual property is our greatest asset as a nation. It is our greatest advantage in the world. It is currently being pilfered and stolen because it is connected to the Internet and therefore is insecure.

Well, we did not think about that, did we? Experts have called this, as the Senator from Connecticut said, the greatest transfer of wealth in the history of the world. That is a dramatic statement, but it is just an absolute terrifying fact—terrifying fact.

Our most important personal information, including our credit card numbers, our financial data is now accessible via the Internet and is stolen through data breaches that occur all the time.

Most importantly, our critical infrastructure: water facilities and gas pipelines to our electric power grid and communications networks are now vulnerable to cyber attacks, and they are happening. Many of those systems were designed before the Internet. In fact, virtually all of these systems were designed before the Internet came about, and were never intended to be connected to a network. Yet they are. Therefore, they are insecure.

If these systems are exploited via cyber vulnerabilities, lives could be lost. Yes, there is lots of other things that could happen before that, but this has the potential to be far greater than even the tragedy of 9/11.

In recent months we have learned that hackers penetrated the networks of companies that control our Nation's pipelines—gas pipelines. There have been attempts to penetrate the networks of companies that run nuclear power plants. Last year, a foreign computer hacker showed that he could access the control systems of a water facility in Texas with ease. He accomplished this task in minutes at a computer thousands of miles away.

Our critical infrastructure is being targeted, and it is vulnerable. The major general of our National Guard, James Hoyer, recently shared a frightening story with me. He was talking about his work on cybersecurity. He said in West Virginia, he learned that a critical infrastructure facility in the State—critical infrastructure facility; that means a really important one—its engineers were being allowed to operate control systems on their home computers. How naive. But who would know? Who would have guessed?

The Internet and what it has done for our country is unparalleled, but everything we have accomplished in this Internet age is now vulnerable and, in starker terms, undoable. We have built a castle in the sand and the tide is approaching. Our systems are too fragile, too critical, and too vulnerable. It is a recipe for disaster. It is time to do something about it before it is too late.

We have all known about the seriousness of our cyber situation for years. Our national security experts know it. Our law enforcement experts know it. And there is a bipartisan agreement that something needs to be done. But that does not tell us a lot, to make that statement in the Senate. In my capacity both as the chairman of the Commerce Committee and former chairman of the Senate Intelligence Committee, and still on that committee, I have become very familiar with the threat posed by cybersecurity. I have been working with my colleagues to address it.

For the past 3 years, a number of us have been working with both Republican and Democratic Senators to find

common ground on these issues so we can have a bill to get control of this. We have held hearings, we have held markups, we have held countless meetings with the private sector and interest groups. It is an endless, endless process, and the staff does four times as much.

We have been very patient in working to find a compromise. Now is the time to make that compromise happen. It will not happen today; it could happen in the next several days. We know what we need to do, I do believe. So here is what we know right now: The Federal Government needs to do a better job of protecting its own networks.

Companies control most of our Nation's critical infrastructure, and they need to do a better job of eliminating cyber vulnerabilities in their systems. There are no clear lines in the authorities and responsibilities in the Federal Government for cybersecurity, which will cause confusion in the event of a cyber catastrophe.

The private sector and the Federal Government need to be able to share information about cyber threats. Over the last year, the committees of jurisdiction in the Senate have worked together. The committees have worked together to finalize legislation that addresses each of those concerns.

Senators LIEBERMAN, FEINSTEIN, COLLINS, and I have made it a priority, as well as others, to finish this work together and with a broader group. We believe every Member of this body will be able to support some kind of legislation. We have put legislation before the Senate, but it is subject to change. In fact, it may be in the process of changing in a good sense because we held a long meeting this morning. We are going to have another one tomorrow, perhaps on a daily basis.

The basic thing we have done is that we took a more regulated approach. In other words, we have to do this. This is what we should do. At one level we should do it.

We have taken that away, and we have made it much more voluntary. We made it a voluntary approach. Some say that is worse than no bill at all, to which I reply, no, if we incent people properly with a voluntary approach, the pressure to do something is greater, particularly if they have to submit to audits as to the standards of work they are doing to protect themselves.

There are a variety of ways to do this. We could have a council—a DHS council that would decide what the standards should be. There was talk this morning about having a convening session called by NIST, National Institute of Science and Technology—which is very good at this stuff—convene the private sector and have those two work out a system. NIST has no regulatory authority, so they could let them come up with their suggestions. Then there was an idea that maybe DHS could look at that and certify it, stamp it with approval, on basic critical infrastructure. Of course, we would have to

pick out which was the critical infrastructure because there is lots of it. Which one would be subject to special regard is something we would still have to work out.

This bill, however it works so far, and I think in the future, is bipartisan. There is some sort of tribulation about let's let bygones be bygones, we have all given up and compromised, to which my point of view is some of us have been working on this for a very long time, and we have been joined by others with good ideas. But don't close off the past or the future.

The bill will be bipartisan. It will incorporate the good ideas and suggestions that have been made by many colleagues. We have settled on a plan that creates no new bureaucracy. However that plan forms, it will have no new bureaucracies or heavy-handed regulation. That is already understood. It is premised on companies taking responsibility for securing their own networks, with government assistance where necessary. This bill represents a compromise, and it is time to move forward with it.

I think, in closing, back to the year 2000 and 2001. I was on the Intelligence Committee at the time of 9/11. The fact is, we get reports on all this which never surfaced, but we know the facts. There were signs of people moving around the country, and they weren't just sort of haphazardly moving around. In San Diego, a certain safe house there would appear and people were coming and going from there. Then there was the FBI office in Minneapolis and the Moussaoui case, and the FBI office in Minneapolis reported to the FBI Osama bin Laden office—and perhaps that didn't happen.

We all knew something was new and that the world was getting different. We knew the danger could come upon us. Our intelligence and national security leadership took these matters very seriously. However, they did not take it seriously enough, nor did we. So then it was too late and 9/11 happened, and the world changed forever.

Today, we have a new set of warnings flashing before us with a wide range of challenges to our security and safety and we once again face a choice: Act now and put in place safeguards to protect this country and our people or act later when it is too late. Obviously, the conclusion is we must act now.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from West Virginia for his comments. He has worked so hard on this issue for many years but, in particular, the past 3 years, as he and the chair of the Senate Intelligence Committee, Senator FEINSTEIN, have worked with Senator LIEBERMAN and me.

I rise this evening to urge our colleagues to vote to begin the debate on the Cyber Security Act of 2012. Senator LIEBERMAN and I have introduced this

bill along with our colleagues Senator ROCKEFELLER, Senator FEINSTEIN, and Senator CARPER. It has been a great pleasure to work with all of them—and work we have—in numerous sessions over literally a period of years, as we have attempted to merge the bills that were reported by the Commerce Committee and the Homeland Security Committee.

Of course, it is always a great pleasure to once again work with my dear friend the chairman of the Homeland Security Committee, Senator LIEBERMAN, as we bring forth yet another bipartisan bill to the Chamber for its consideration.

FBI Director Robert Mueller has warned that the cyber threat will soon equal or surpass the threat from terrorism. He has argued that we should be addressing the cyber threat with the same kind of intensity we have applied to the terrorist threat. This vital legislation would provide the Federal Government and the private sector with the tools needed to help protect our country from the growing cyber threat. It would promote information sharing, improve the security of the Federal Government's own networks, enhance research and development programs and, most important of all, it would help to better secure our Nation's most critical infrastructure from cyber attack. These are the powerplants, the pipelines, the water treatment facilities, the electrical grid, the transportation systems, and the financial networks upon which Americans rely each and every day.

The fact is the computerized industrial controls that open and close the valves and switches in our infrastructure are particularly vulnerable to cyber attack. Indeed, the Internet is under constant siege on all fronts by nations such as China, Russia, and Iran, by transnational criminals, by terrorist groups, by activists, and by persistent hackers. That is why our Nation's top national security and homeland security leaders from the current and former administrations have urged us to take legislative action to address this unacceptable risk to both our national security and our economic prosperity.

Earlier this year, Defense Secretary Leon Panetta described our bill as "essential to addressing our Nation's critical infrastructure and network cyber security vulnerabilities, both of which pose serious national and economic security risks to our Nation."

Just last month, the Secretary reiterated his call for Congress to pass our bill and stress the potential for a cyber attack to cripple our critical infrastructure in a way that would virtually paralyze this country.

The Director of National Intelligence, James Clapper, has also sounded the alarm. He has described the cyber threat as a "profound threat to this country, to its future, its economy and its very being."

The warnings have not been confined to officials in the Obama administration. Former national security officials, including Michael Chertoff, Michael McConnell, Paul Wolfowitz, Michael Hayden have written that the cyber threat “is imminent and . . . represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago.” They have urged us to protect the “infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines, and financial networks” with appropriate cyber security standards.

Similarly, in a letter to our colleague, Senator JOHN MCCAIN, GEN Keith Alexander, the commander of U.S. Cyber Command and the Director of the National Security Agency, wrote:

Given DOD reliance on certain core critical infrastructure to execute its mission, as well as the importance of the Nation’s critical infrastructure to our national and economic security overall, legislation is also needed to ensure that infrastructure is sufficiently hardened and resilient.

The threats to our infrastructure are not hypothetical; they are already occurring. For example, while many of the details are classified, we know multiple natural gas pipeline companies have been the target of a sophisticated cyber intrusion campaign that has been ongoing since December of last year.

The cyber threat to our critical infrastructure is also escalating in its frequency and severity. According to DHS’s Industrial Control Systems Cyber Emergency Response Team, last year, almost 200 cyber intrusions were reported by critical infrastructure owners and operators. That is nearly a 400-percent increase from the previous year, and these are only the intrusions that have been reported to the Department of Homeland Security. Many go unreported and, even worse, many owners are not even aware their systems have been compromised.

What would a successful cyber attack on our critical infrastructure look like? We have just seen recently what a serious storm that leaves more than 1 million people without power can cause: the loss of life, the blow to economic activity, the hardship for the elderly, the nonworking traffic lights that resulted in accidents. Multiply that impact many times over if there were a sustained cyber attack that deliberately knocked out our electric grid.

The threat is not just to our national security but also to our economic edge, to our competitiveness. The rampant cyber theft targeting the United States by countries such as China has led to the “greatest transfer of wealth in history,” according to General Alexander. You have heard many of us use his quote. Let me give some specifics of his estimates. He believes American companies have lost about \$250 billion a

year through intellectual property theft, \$114 billion to theft through cyber crime, and another \$274 billion in downtime the thefts have caused.

In their op-ed earlier this year, former DNI McConnell, former Homeland Security Secretary Chertoff, and former Deputy Secretary of Defense Bill Lynn warned that the cost of cyber espionage and theft “easily means billions of dollars and millions of jobs.” The threat of a cyber attack doesn’t just go to our national security, critical though that is. It also directly is a threat to America’s ability to compete, to our economic edge.

In recent years, a growing number of U.S. firms, including sophisticated firms such as Google, Adobe, Lockheed Martin, RSA, Sony, NASDAQ, and many others have been hacked by malicious actors. Earlier this month, the security firm McAfee released a report on a highly sophisticated cyber intrusion dubbed “Operation High Roller,” which has attempted to steal more than \$78 million in fraudulent financial transfers at at least 60 different financial institutions.

Trade associations have been attacked too. The Chamber of Commerce was the victim of a cyber attack for many months, blissfully unaware until informed by the FBI that its membership data was being stolen. The evidence of our cybersecurity vulnerability is overwhelming. It compels us to act.

Yesterday 18 experts in national security strongly endorsed the revised legislation we have introduced. The Aspen Homeland Security Group, made up of officials from both Republican and Democratic administrations and chaired by former Secretary Chertoff and former Congresswoman Jane Harman, urged the Senate to adopt a program of voluntary cybersecurity standards and strong positive incentives for critical infrastructure to implement those standards. This group called for action on our bill, saying:

The country is already being hurt by foreign cyber intrusions, and the possibility of a devastating cyber attack is real. Congress must act now.

Mr. President, you have heard some Members of this body say that somehow this process has been rushed or the bill inadequately considered. Nothing could be further from the truth. Since 2005—7 years ago—our Homeland Security and Governmental Affairs Committee alone has held 10 hearings on cybersecurity. Other Senate committees have also held hearings, for a total of 25 hearings since 2009, not to mention numerous briefings the Presiding Officer and Senator MIKULSKI of Maryland have helped to convene—classified briefings—for any Member to attend.

In 2010, Chairman LIEBERMAN, Senator CARPER, and I introduced our cybersecurity bill, which was reported by our committee later that same year. As I indicated, we have been working with Chairman ROCKEFELLER to merge our bill with legislation he has cham-

pioned, which was reported by the Commerce Committee. We have also worked very closely with Senator FEINSTEIN, an expert on information sharing.

The bill we are urging our colleagues to proceed to today is the product of these efforts. It also incorporates substantial changes based on the feedback from the private sector, our colleagues, and the administration.

This new bill is a good-faith effort to address the concerns raised by Members on both sides of the aisle by establishing a framework that relies upon the expertise of government and the innovation of the private sector. It improves privacy protections that Americans expect from their government.

It also reflects many concepts proposed by Senators KYL, WHITEHOUSE—the Presiding Officer—BLUNT, COATS, GRAHAM, MIKULSKI, BLUMENTHAL, and COONS. We have revised our bill in a very substantial way. We have abandoned the approach—which I still believe to be a good idea—of mandatory standards and, instead, have adopted a voluntary approach to standards. This is a significant change from our initial bill, and it was one that was promoted by Senator KYL’s and Senator WHITEHOUSE’s group.

The new version encourages owners of critical infrastructure to voluntarily adopt the cybersecurity practices in exchange for various incentives for entities complying with these best practices. This was also one of the primary recommendations of the House Republican Cybersecurity Task Force.

These incentives include liability protection against punitive damages. I, for one, am open to making that a more robust liability protection. They include the opportunity to receive expedited security clearances, eligibility for prioritized technical assistance from the government, and access to timely cyber threat information held by the government.

These major changes from the approach we initially proposed demonstrate our willingness to adopt alternatives recommended in good faith by our colleagues, and we are still open to changes to the bill.

Our bill also includes strong information-sharing provisions that promote voluntary information sharing within the private sector and the government, while ensuring that privacy and civil liberties are protected. And again, we incorporated some suggestions from the Democratic side of the aisle to strengthen these provisions.

To be sure, more information sharing is essential to improving our understanding of the risks and threats. But let us be clear: More information sharing, while absolutely essential, is not sufficient to ensure our Nation’s vital, critical infrastructure is protected. If you survey the vast majority of experts in this field, they will tell you that to pass a bill that only provides for more information sharing does not begin to accomplish the job that must be done

to better secure our Nation from this threat.

With 85 percent of our Nation's critical infrastructure owned by the private sector, government obviously must work with the private sector. Our bill—both our original bill and our revised bill—has always envisioned a partnership between government and the private sector. We have a very stringent definition of what constitutes covered critical infrastructure. It is infrastructure whose disruption could result in truly catastrophic consequences.

What do I mean by that? I am talking about mass casualties or mass evacuations or severe degradation of our national security or a serious blow to our economy. That is the kind of disruption we are talking about. Obviously those who have claimed that every company or every part of our infrastructure is going to be considered as critical infrastructure have not read the definition in our bill.

But here is more evidence of why we must act. A study done in 2011 by the computer security firm McAfee and CSIS revealed that approximately 40 percent of the companies surveyed—the critical infrastructure companies—were not regularly patching and updating their software, despite the fact these safeguards are among the most basic and widely known cybersecurity risk mitigation practices. We have even found reports where companies haven't bothered to change the default password that came with the industrial control software. In many cases, the control devices used to operate our Nation's most critical infrastructure are inherently insecure.

A Washington Post special report last month noted that security researchers found six out of seven control system devices are "riddled with hardware and software flaws," and that "some included back doors that enabled hackers to download passwords or sidestep security completely."

Another front-page story in the Post earlier this month highlighted the fact that as technological advances have allowed everyone from plant managers to hospital nurses to control their systems remotely via the Internet, these vital systems have become even more vulnerable to cyber attacks. To prove the point, the story described how a security researcher was able to easily steal passwords from a provider that connects millions of these systems to the Internet.

These examples illustrate that far too many critical infrastructure owners are not taking even the most basic measures to protect their systems, and this is simply dangerous and unacceptable to the security of our country. These basic practices need not be expensive. In most cases, they are not expensive. And I will tell you, they are a lot less costly than the consequences of a breach, not to mention a major cyber attack.

A recent report by Verizon, the Secret Service, and other international

law enforcement agencies analyzed 855 data breaches and found that 96 were not difficult to pull off and 97 percent of them could have been prevented through fairly simple and inexpensive means.

The point is, we must act, and we must act now. We cannot afford to wait for a cyber 9/11 before taking action on this legislation.

In all the years I have been working to identify vulnerabilities facing our country in the area of homeland security, I cannot identify another area where I believe the threat is greater and that we have done less.

I urge my colleagues to listen to the wisdom of former Homeland Security Secretary Michael Chertoff and former NSA Chief General Hayden. They wrote the following:

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of "whether" this will happen; it is a question of "when."

And this time all the dots have been connected. This time we know that attacks are occurring against our Internet systems and cyber systems each and every day. This time the warnings from all across the board are loud and clear. I urge our colleagues to heed these warnings and to support the motion to proceed to the cybersecurity bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my dear friend, the ranking member on the Homeland Security Committee, for her excellent and thoughtful statement. I thank Senator ROCKEFELLER, the chair of the Commerce Committee, for his compelling statement on behalf of proceeding and, of course, on behalf of the underlying bill. I think these two statements set the table for the debate that will follow in the next several days.

Within the next day or two, certainly no later than Friday, we will vote on the motion to proceed to the Cybersecurity Act of 2012. I appeal to our colleagues to come together across party lines and vote to proceed, as a way of saying that we recognize exactly what Senator ROCKEFELLER and Senator COLLINS have said: We have a problem here. We are vulnerable to cyber attack. It is not just speculative. We are being attacked. We are being robbed every day through cyberspace. And we are not adequately defended. It is as simple as that.

Part of the problem, as my colleagues have said, in the challenge is that 80 to 85 percent of our critical infrastructure in this country is privately owned. That is the American way. That is the way it ought to be. But that privately owned infrastructure is vulnerable now to attack by our enemies, and we have to work together—public and private owners, Republicans and Democrats, liberals and

conservatives, Americans all—to figure out a way to say to the private owners of critical cyber infrastructure, You have got to do more to protect our security, to protect our prosperity. And that is what this bill is all about.

My colleagues have described the challenge, the inadequacy of the current defenses, the work that has been done on our bill, the compromises that have been made all along the way. I thank the Presiding Officer, the Senator from Rhode Island, Senator WHITEHOUSE, and Senator KYL from Arizona and the others who worked on a bipartisan basis to help us find common ground.

This question of cybersecurity is, again, a test of whether this great deliberative body still has the capability to come together and solve our Nation's most serious problems.

We had a couple of votes today. I suppose some people could say they were show votes. I took them seriously. But they all involved the terrible fiscal shape our country is in, \$16 trillion in national debt. Earlier in my life I couldn't believe we could come to this point. And why have we? Because we haven't been willing to make tough decisions. We haven't been willing to work across party lines to do some things that might be politically controversial to fix a problem we have. So the problem gets tougher and tougher to fix. This is another one.

Usually, even in the most partisan and ideologically rigid times, when it comes to our national security we put our party labels aside and our party loyalties aside, and we have acted based on our loyalty to our country—to the oath of office we took to protect and defend not our ideology or our party but to protect and defend the Constitution of the United States, our freedom. That is as much in jeopardy from cyber attack as any other source of threat to our country.

I appreciate the opening statements that have been made. I am actually very optimistic about the vote on the motion to proceed that will occur in the next day or two, and I am increasingly hopeful we are going to pass, before we break for August, a strong cybersecurity bill. It is not going to be the bill Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and I started out with. We have compromised along the way.

I have in my office in a very prominent place a picture of two of Connecticut's representatives to the Constitutional Convention, Sherman and Ellsworth. I have it there because these two were the creators, the source of the so-called Connecticut Compromise. Some people erroneously refer to it as the Great Compromise. The correct title is the Connecticut Compromise. This was the conflict between the States that had a lot of population and the smaller States, how were they going to be represented in this new Congress. Sherman and Ellsworth came up with a great compromise: We will

have one body—the Senate—where every State has two representatives, and another body—the House—where you are represented by population.

I always like to say to people, the very institution we are privileged to be Members of was created as a result of a compromise. Generally speaking, in this Congress—which represents 310 million people, extraordinarily diverse in every way—you can't succeed here, we can't get things done if people say, I must get 100 percent of what I want on this bill or I am going to vote against it.

That is the way we have felt and that is why we have compromised, particularly because of the urgency of the cyber threat, which is real, present, and growing.

Senator COLLINS and I have felt very strongly, we want to get something started. It can't just be anything, it has to be real. S. 3414 is real. It will be effective. The standards are no longer mandatory, but there are enough incentives in here. And the very fact that there will be standards, private sector generated but approved by a governmental body, I think will create tremendous inducements—yes, maybe even pressure—on CEOs and private operators of critical cyber infrastructure to adopt those standards and implement them in their business or else, God forbid, in case of attack, they will be subject to enormous, probably a corporation-ending, liability.

I am very encouraged, thanks again to a lot of good work done by a lot of people, that we have started today, the lead sponsors of the other bill, SECURE IT, the lead sponsors of this bill, the Cybersecurity Act of 2012, and the group that has been working so hard, a bipartisan group, to bring us together. We did come together today. We are going to meet again tomorrow morning, and I think we are involved in a collaborative process that will not only lead to the passage of cybersecurity legislation this year that will be effective to protect our national security and prosperity but will in its way prove to the American people that we are still capable here in the Senate of coming together across party lines to fix a problem—in this case, to protect our great country.

With that, and knowing we will be back tomorrow, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I plan to speak on cybersecurity tomorrow. I thank Chairman LIEBERMAN, Chairman ROCKEFELLER, Chairman FEINSTEIN, and Senator COLLINS for their work on this very important issue, and also all the other Senators who have worked so hard on this, including the Presiding Officer.

I ask unanimous consent to speak this evening as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING THE VICTIMS OF AURORA, CO

Mr. FRANKEN. Mr. President, I rise today to talk about loss. I know I

speak for all Minnesotans when I say how shocked and saddened we have been by the loss of life in Colorado. Our hearts go out to the families and friends of those who died, and to those who were wounded in that massacre. Anyone who has watched reports can only feel outrage or profound sadness.

So many of those who died were so young. A number died so heroically, shielding a loved one from the madman's bullets. So much grief, so much suffering is unspeakable. The one hopeful lesson we can draw from this tragedy comes from the stories of courage and selflessness we have heard about those who were in the theater, the first responders, and the outpouring from the community of Aurora and the rest of the Nation.

Minnesota unfortunately has also seen its share of senseless violence. It is something no State is immune to. Hopefully, out of this tragedy we can draw lessons that will make these kinds of tragedies far less common.

#### REMEMBERING TOM DAVIS

Today I come to the floor to talk about a personal loss to me and to so many of his friends and family and fans—a Minnesotan who brought so much laughter and so much joy to his fellow Minnesotans and to millions and millions of Americans. My friend Tom Davis died last Thursday after he was diagnosed 3 years ago with cancer.

I had the privilege to be Tom's comedy partner and best friend for over 20 years. We started working together in high school in Minnesota and did standup together for years, and were among two of the original writers for "Saturday Night Live."

I spoke with Tom's mom Jean last Thursday, not long after Tom died. She told me how fondly she remembered the laughter that came from the basement when Tom and I started writing together in high school over 40 years ago. That is what I remember about Tom, his laughter.

I last saw Tom about 2 weeks ago at his home in Hudson, NY. Dan Aykroyd, who collaborated so often with Tom, was there too with his wife Donna and Tom's wife Mimi. We laughed and laughed.

Tom's humor was always sardonic, and as you might expect, it was a little more sardonic that day than usual. But his humor also had a sweetness about it. We laughed. But Tom told us that he was ready to go. He faced death with great humor and courage.

Tom created laughter. The obituary cited Tom's body of work—some of it. He and Dan Aykroyd created the Coneheads. Tom was the key collaborator with Bill Murray on Nick the Lounge Singer, and on and on and on. This started an outpouring of blogging on the Internet—people writing about Tom and the laughs he brought them. I was happy to see him get his due. People called him an original. He was. They called him a brilliant comedian. He was.

Since last Thursday, I have been hearing from our friends and col-

leagues, how Tom's voice was unique, how so often his stuff came seemingly from out of nowhere, how Tom had come up with the biggest laugh of the season in the rewrite of this sketch or that one or how Tom had been the first to nail Ed McMahon's attitude when he and I did Khomeini the Magnificent, and how Tom was such a loyal and generous friend.

People would always ask me and Tom what our favorite moment was from "Saturday Night Live." We worked on so many sketches that it was impossible to single anything out. Both of us would always say our favorite memory was rolling on the floor—the 17th floor at 30 Rock—rolling on the floor, laughing at 2:00 in the morning or 3:00 in the morning at something that someone wrote or at a character someone had just invented. This was that moment of creation. There was the laugh at whatever it was that one of us had come up with, combined with the joy that you knew you had something.

This is your job. Woody Allen once said that writing comedy is either easy or impossible. When it is impossible, it can be agony. When it is easy, when you are laughing and rolling on the floor—literally, when Danny, Billy, Belushi, Gilda, Dana Carvey, Jim Downey, Conan O'Brien, or Steve Martin or any of the many hilarious people whom we had the privilege to work with would come up with something that made us explode with laughter and roll there on the 17th floor, that was just pure joy.

Tom was an improvisational genius. The first public stage we performed at was Dudley Riggs' Brave New Workshop in Minneapolis. Dudley's was essentially the Minneapolis version of Second City, based on the same improvisational techniques. When Tom and I were in high school, we did standup there. But while I went off to college, Tom joined the company at Dudley's, and when I came back, I saw that he had mastered improv and mastered it hilariously.

Now, as a writing team, Tom and I brought different strengths to our craft. Sometimes we would get stuck, and Tom would find an object. The third year of SNL, Tom and I were watching TV, and we saw Julia Child cut herself while doing a cooking segment on, I believe, the "Today Show." So we wrote a sketch that Danny performed brilliantly that is now known as "Julia Child Bleeding to Death." The sketch worked so well that when they installed the Julia Child exhibit at the National Museum of American History, in addition to her TV kitchen set—I believe this was at her insistence because she loved it so much—they included a monitor with the sketch of her bleeding to death on "Saturday Night Live."

When Tom and I were writing the sketch, we could not find an ending, and Tom found an object—the phone. The phone hanging on the wall of Julia Child's cooking set. I don't actually



think there was one; Tom just found it. That is something improv artists do when they are on the stage, they find objects to work with. So Danny, as Julia Child in the sketch, is spurting blood, and Julia is trying everything to explain how to make a tourniquet out of a chicken bone and a dish towel or how to use chicken liver as a natural coagulant, and nothing is working. She is losing blood. So, in desperation, she sees the phone on the wall, and turning to it, she says, "Always have the emergency number written down on the phone. Oh, it isn't. Well, I know it. It's 911." She dials 9-1-1 and realizes it is a prop phone and throws it down sort of in disgust and starts to get woozy and rambles on about eating chopped chicken liver on Ritz crackers as a child. Finally she collapses, and as she is about to die, she says, "Save the liver."

It was a tour de force by Danny. When I was with Danny and Tom a couple of weeks ago, we started talking about this somehow, and Danny says he remembers me there under the counter pumping the blood. Only I wasn't the one pumping the blood; it was Tom. I remember that was something of a union issue because that is a special effect, pumping blood, pumping the blood to get exactly the right pressure so that Danny could release the spurts at precisely the right time.

Now, every once in a while, the special effects guy or the sound effects guy would let a writer do the effects because it was all about the comedic timing. Also, they liked Tom. Everybody liked Tom. The special effects guy knew that Tom knew exactly what to do, and it was all about teamwork with Danny, who was also controlling the spurting when Tom was controlling the pressure. Man, it was hilarious.

Now, this is live TV. We did hundreds and hundreds of sketches together, a lot of stuff that was just so stupid that it was funny. We just had so much fun. Tom and I toured together all over the country. I told Senator MIKE JOHANNIS, my colleague and friend from Nebraska, that Tom and I played Chadron State twice. And last week we had a witness in Judiciary whom Senator SESSIONS introduced from Anniston, AL, where Tom and I played. We did a gig to six students in Huron, SD, because they booked us by mistake during spring break and there were just six students there. There were five members of the basketball team who couldn't afford to go back east for the break. The sixth guy had been grounded because he had gotten caught smoking pot freshman year and they wouldn't let him leave campus except during summer vacation. I think this was his junior year. I think Tom and I played 45 States.

When we flew, we always booked ourselves in aisle seats across from each other, C and D seats, so we could talk to each other. Tom would always get on first and find our row, and if there was a pretty girl in the middle seat of

one side, he would sit next to her, and I would sit next to the fat, sweaty guy in the mesh shirt, which, by the way, I think should not be allowed on planes. I plan to introduce legislation on that.

This went on for years. Tom would board first, get to a row, and take the aisle seat next to an attractive woman or quiet-looking, slender man, and I would sit next to the large loud guy who looked like he wanted to talk through the entire flight. I thought, what a coincidence, Tom's aisle seat is always next to the more desirable seatmate. Finally I checked my ticket stub, and I saw that Tom had taken my seat. That is when I realized he had been doing this for years. He said: Yeah, I was just waiting for you to figure it out. Now, I really had to blame myself. Tom had played me, and it was my fault for being a kind of trusting idiot.

Tom saved my butt on occasion. We used to go camping and fishing up in the Boundary Waters of the wilderness area between northern Minnesota and Canada. Tom was expert with a canoe, and I wasn't. I really wasn't. Once, we went up there in October. It was kind of cold, but we were catching a lot of walleye and having a great time. There were three of us—me, Tom, and our friend Jeff Frederick. We had put in for just one canoe.

On the third evening I decided to fish from this point near our campsite on this island. I cast out and got my line caught in something, so I decided to go out alone in the canoe and untangle the line. So I am paddling out, and I get caught in this current and start getting carried away from the island we were camped on, and I start calling for help. Now, we are in the Quetico wilderness in Canada in October. We had not seen another human being in the 3 days we had been there. So Tom and Jeff come running and yelling and cursing at me because if I didn't make it back with the canoe, they were pretty much stuck on this island for the winter, and I am probably dead because I have no gear, nothing, just the paddle, which isn't doing me any good at this point. This is where Tom's improvisational skills came in really handy because he talked me back. He was screaming and cursing, but he talked me out of the current that was carrying me away to my certain death, and I was able to circle back and get to the point—exhausted but so relieved. Maybe that is why I cut him some slack when he played me on the aisle seats years later.

Now, speaking of cold, Tom and I were huge Vikings fans. We would go to the old Metropolitan Stadium during the Bud Grant years when Grant would not allow heaters on the side lines even when it was below zero. I once asked Bud Grant why he did that, and he said: There are certain things people can do when they are cold.

Tom and I were there on a very cold winter afternoon at the Vikings-Cowboys playoff game, the one where

Roger Staubach threw the Hail Mary that Drew Pearson pushed off on and caught for a touchdown—and he did push off. Senator HUTCHISON and Senator CORNYN need to go back to the videotape. Drew Pearson pushed off. It was offensive pass interference, and the Vikings should have won that game and gone to the Super Bowl. That is how I saw it, that is how Tom saw it, and that is how the fan who threw the whiskey bottle from the bleachers and knocked the ref out saw it. Tom and I both saw the bottle glinting in the cold winter Sun as it arced from the bleachers. We were stunned when it hit the ref right in the forehead. That was not Minnesota nice.

Tom and I suffered through four Super Bowl losses and through last season. As sick as he was, Tom watched our Vikings and complained bitterly to me on the phone later on Sunday.

Tom and I went to a lot of Grateful Dead shows together—more than even Senator LEAHY. Tom and I went to a lot of New Year's Eve Dead shows. This year I went up to New York to celebrate New Year's with Tom and Mimi at their home. We knew this would probably be his last, and at midnight we turned on the Dead and we danced.

Now, unlike me, Tom became an accomplished guitarist, and he could sit in with rock or blues bands. Tom was a terrible student in high school, but the fact is he was a renaissance man. He loved to read history, philosophy, and fiction. He devoted a lot of his last years to his art, sculpting solely from found objects from the creek that ran by his house in upstate New York.

Tom was an original. Some time ago, Tom and I talked about writing something for this occasion, but about a year or so ago he wrote a piece for a literary magazine that, to me, said what needed to be said. It was Tom and his take on what he was facing. It is called "The Dark Side of Death." I decided to read from it, with a few edits for the Senate floor, and I ask that the piece in its entirety, with some other edits, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. FRANKEN. "The Dark Side of Death" by Tom Davis.

The good news: my chemotherapy is working and I'm still buying green bananas. I've lost about 50 pounds. (I need to lose 49.) . . . False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at that.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We are all going to try it sometime.

Fortunately for me, I have always enjoyed mystery and solitude.

Many people in my situation say, "It's been my worst and best year." If that sounds like a cliché, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept "that over which I have no control," I had to turn inward. People from all over my life are re-connecting with me, and I've tried to take responsibility for my deeds, good and bad.

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improving. I've never done this before, so far as I know. Ironically, I will probably outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

Tom faced death with humor and courage.

Rest in peace.

#### EXHIBIT 1

#### THE DARK SIDE OF DEATH

(By Tom Davis).

The good news: my chemotherapy is working and I'm still buying green bananas.

The bad news: two years ago, before we knew it as MDD (Michael Douglas Disease), I was diagnosed with tonsorial squamous cell carcinoma, a/k/a head and neck cancer. After surgery, I elected to go with radiation therapy sans complementary chemo, which was probably a big mistake. The malignancy unexpectedly spread to the bones of my pelvis and lower spine, where it has been munching away without thought of its host's well-being. It's now described as "exotic and aggressive," but it's getting its cancerous ass kicked by taxotere, a drug that imitates the chemistry of the European Yew tree. Made in China, of course. I'll be using it, or a related drug "for the rest of my life," which could be as long as two more high-quality-of-life years. I'd be thrilled with that.

There are side effects, the two weirdest being a "recall effect," in which radiation sores reappear, and neuropathy in my fingernails, which are in the unpleasant process of falling off. Ow. I've lost hair from all over my body. With only a little bit of white fluff on my head, I visited my mother, who suffers from Alzheimer's disease in Minneapolis.

"Now I want you to take all your medicine and your hair will grow back," she said cheerfully. "I think you look a little like that bird Woodstock in Peanuts." I'll take that; better than Uncle Fester.

My old comedy partner (Senator) Al Franken, volunteered to draw my hair back on with a magic marker, which would be funny for about two days. We're planning to write something for him to read once I de-animate, the final Franken and Davis piece. We'll see. Typically, we would wait until the last minute.

I've lost about 50 pounds. (I needed to lose 49.) It's great to wear jeans from the 70s, although I remember making a few people laugh when I said I would save them in case I got cancer. Once, in the early eighties, Franken and Davis appeared on the David Letterman Show as "The Comedy Team that Weighs the Same," a piece so stupid it was really funny. We dressed in bathrobes and Speedos for the final weigh-in on a huge scale. David asked if any other comedy team had weighed the same, and I said "Laurel and Hardy, but only near the end of Ollie's

life," which got a good groan laugh. Maybe I tempted fate a little too often.

My grocer at the Claverack Market, Ted the Elder, recently asked if I had heard that there are two stages in life: "youth," and "you look great." Wish I'd thought of that.

Several close friends have asked if I was aware of alternative medicines, therapies, protocols, doctors, clinics, and books. One offered personal testimony. His colon cancer was supposed to have killed him several years ago. He attributes his survival to an exclusive diet of blueberry smoothies.

My fear is not death; my fear is spending my last years slurping blueberry, whey and soy powder shakes in a rock star hospital in Houston, surrounded by strangers. No.

False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at it.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We're all going to try it sometime.

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Many people in my situation say, "It's been my worst and best year." If that sounds like a cliché, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept "that over which I have no control," I had to turn inward. People from all over my life are re-connecting with me, and I've tried to take responsibility for my deeds, good and bad. As my friend Timothy Leary said in his book, *Death by Design*, "Even if you've been a complete slob your whole life, if you can end the last act with panache, that's what they'll remember."

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improving. I've never done this before, so far as I know. Ironically, I probably will outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

THE PRESIDING OFFICER. The Senator from Iowa.

#### THE FARM BILL

Mr. GRASSLEY. Mr. President, the Senate passed a farm bill a few weeks ago—a pretty good farm bill. The House Agriculture Committee has reported out of its committee a farm bill, and now the discussion of whether we have a farm bill is a decision to be made by the leadership of the House, of whether a farm bill should come up. So I wish to speak about the necessity of a farm and nutrition bill being passed.

It is called a farm and nutrition bill because about 80 percent of a farm bill's expenditures are related to the food stamp program. If we can get this bill completed and to the President's desk, it will be the eighth farm bill I have had a chance to participate in.

Every 5 years or so, Congress debates, changes, argues over, and ultimately passes a farm and nutrition bill—not always of that title but pretty much of that content. This time should be no different. We need to get the job done. I understand there are folks who want to see more cuts here or there, and there are folks who want to spend more here or there. Those are very important discussions to have. We should have a healthy debate on how to tweak, reform, and reshape the policies in the bill, whether it is in regard to programs affecting farmers or the portion of the bill that receives the overwhelming share of the dollars, as I said, the nutrition title.

We had those debates in the Senate Agriculture Committee. We had those debates on the Senate floor. The House Agriculture Committee has had those debates. Now I hope their product can be brought up on the Senate floor. In fact, I am more than happy to debate these various issues with some of my friends on the House Agriculture Committee—why setting high target prices, as they did, is the wrong direction for Congress to take and how the House should adopt the payment limit reforms the Senate has embraced, provisions of the farm bill in the Senate that I got included. I am sure many on the House Agriculture Committee would be more than happy to debate with me the merits of having a more balanced approach to where we find savings in the bill by taking an equal portion from the nutrition title and the farm-related titles. We should find more savings for sure than what is contained in the Senate-passed farm bill, including saving more out of the nutrition title, as the House Agriculture Committee has been able to do.

But the fact is we have to keep moving the ball forward, regardless of how we feel about all these separate parts of a farm bill. We need to get to finality. We have a drought gripping this Nation and that is going to be tough on Americans. It is going to affect every American, not just the 2 percent of the people who are farmers, because it is going to cause food prices to go up. But the drought has drawn into focus just how important our farmers are to our food supply.

Americans enjoy a safe and abundant food supply. That is because of the hard work and dedication of so many farming families throughout our country. Sometimes weather conditions or other events outside farmers' control can make it difficult to keep farming. Farmers aren't looking for a handout, but when faced with conditions such as a near-historic drought, many farmers may need assistance to get through. Men and women go into farming for all sorts of reasons, but at the heart of farming is the desire to be successful at producing an abundant crop to feed the Nation and the world.

Farmers have many tools to manage their risks so they can keep producing food. They have adopted advanced

technology such as drought-resistant crops. Farmers buy crop insurance. In my State of Iowa, about 92 percent of the farmers have crop insurance. Livestock farmers help animals manage heat by building climate-controlled buildings. But when faced with weather conditions such as we are currently dealing with, even the best laid plans may not keep the farming operation afloat. That is where the Federal Government comes in. We help provide a safety net.

Let me say just how that drought affects crops. I just read in the newspaper something put out by some government agency that said about 55 percent of the landmass of the United States is in a drought condition right now. In my State of Iowa and many other Midwestern States, on an average of about 22 years, we face drought situations that are catastrophic for crops. Actually, the last one was in 1988, so now we are having one in my State of Iowa and that is 24 years. But, on average, it happens about that long. So we see the need for something that is beyond farmers' control. We can't do anything if it doesn't rain when it is supposed to rain, and right now is one of those most important times when crops need rain. So why do we provide the safety net? Because the American people understand how important the production of food is to our food supply and farmers doing that production.

It is a matter of national security. It has been said we are only nine meals away from a revolution. If people were without food, this argument goes, they would do whatever it takes to get food for themselves and their families. It has only been 3 years, I believe, in some places in the world where they had riots that were national problems—not just local problems but national problems—because of a shortage of rice. That is a staple in many countries; I suppose particularly of Asia. So we have to have a stable food supply if we are not going to have social upheaval.

The need for food can also be illustrated by looking at military history. In other words, a food supply is very important for our national security. It may be a joke, but Napoleon supposedly said "an army marches on its stomachs." But we also know from modern history, if we consider World War II on this very day, 60 or 70 years after World War II, why the Japanese and the Germans protect their farmers so much with safety nets of various sorts. Because they know what it was like during wartime not to have adequate food as a part of national security. A well-fed military is one ready to fight and to defend.

There is nothing more basic than making sure the Nation's food supply is secure, whether it is to prevent social upheaval or for our national security or maybe for a lot of other reasons. In order to have stability in our food system, we need to have the safety net available to assist farmers through

the tough times so they can keep producing food.

I have not always agreed with the policies set in each and every farm bill Congress has passed—of the eight I have been involved in. In fact, there have been times in which I voted against individual farm bills because I didn't agree with the policy being set. However, I support, to a large extent, what we accomplished in the Senate-passed farm bill last month. Obviously, I didn't agree with everything, particularly with the lack of savings we captured from the nutrition title. But, for the most part, we passed a bill that embraced real reform in the farm program that still provides an effective safety net.

Whether it is the Senate bill that cut back \$23 billion from the present farm program or whether it is the House bill that seems to cut back \$35 billion, I will bet this is the only piece of legislation that can possibly get to the President's desk this year that is going to save money rather than if it had just been simply extended. I would think people who want to set a record of fiscal conservatism for the upcoming election would be very anxious to take up a bill the Congressional Budget Office says saves either \$23 billion or \$35 billion.

So I say mostly to the other body, because right now that is where the action is and where we hope it will take place, we should not delay any longer. The farm bill is too important to all Americans to leave it in limbo. We need to get a farm bill to the President. The farm bill is approximately 80 percent nutrition programs. Most of the people who benefit are not farmers. Then, the other 20 percent is a safety net for farmers but also for all the programs the Department of Agriculture administers.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, before I go into the closing business, let me say I had the pleasure of presiding in this body during the remarks that were just made by the distinguished chairman of the Homeland Security Committee, Senator LIEBERMAN of Connecticut, the distinguished ranking member of that committee, Senator COLLINS of Maine, and the distinguished chairman of the Commerce Committee and, until recently, chairman of the Intelligence Committee, Senator ROCKEFELLER of West Virginia.

I simply want, briefly, to add my voice to theirs and echo the three points they emphasized: One, we absolutely must take action on cybersecu-

rity; two, it is a genuine and undeniable matter of our American national security; and, three, we cannot claim to have done the job, we cannot claim to even have attempted the job seriously if we do not address the question of the critical infrastructure on which American life and our economy depend that is in private hands and, therefore, cannot be protected under the existing regime in place protecting our government and military networks. We have to solve that problem. Anything that does not solve that problem is a clear failure of our duty, as national security experts from Republican and Democratic administrations alike have very clearly explained.

#### MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SALLY RIDE

Mrs. BOXER. Mr. President, I know that you and all of our colleagues will want to join me today in paying tribute to Dr. Sally Ride, the first American woman to fly in space, who died peacefully on Monday at her home in San Diego, CA. Sally Ride was 61 years old.

Dr. Ride was a physicist, an astronaut, a science writer, and the president and CEO of Sally Ride Science, a nonprofit company dedicated to realizing her lifelong passion for motivating young people to stick with their interests in science and to consider pursuing careers in science, technology, engineering, and math.

Sally Ride was born and grew up in Encino, CA. As a young girl, she was encouraged by her parents to pursue her two passionate interests: science and sports. At Stanford University, she studied physics, astrophysics, and English literature while becoming the school's number one women's tennis player. When asked what had made her choose science over tennis, she joked, "A bad forehand."

In 1977, as she was about to complete her Ph.D. in physics, Sally read that NASA was looking for astronauts and, for the first time, was allowing women to apply. From a group of 8,000 applicants, NASA selected 29 men and 6 women—including Sally Ride—as astronaut candidates in January 1978. The following year, she qualified for assignment on a space shuttle flight crew.

On June 18, 1983, Sally Ride made history as the first American woman in space, part of a 147-hour mission aboard the shuttle *Challenger*. She later said, "The thing that I'll remember most about the flight is that it was fun. In fact, I'm sure it was the most fun I'll ever have in my life."