

and we are going to cut environmental protection. That is deficit reduction.

Are we going to ask millionaires and billionaires, who are doing phenomenally well, whose effective tax rate is the lowest in decades, to pay one nickel more in taxes? No, we can't do that, but we can cut Social Security, Medicare, Medicaid, education, and every program that the children, seniors, and working families of this country depend upon.

Now, to add insult to injury in terms of this movement supported by big-money interests that have so much influence over what goes on here in Congress, it is important to look at the playing field of the American economy today to understand what is going on. Are the people on top really hurting and suffering? Are large corporations today really struggling under onerous corporate taxes? The answer is, obviously not.

We don't talk about it enough, and too few people even mention it, but I do, and I will continue. It is important today to understand that the United States has the most unequal distribution of wealth and income since the 1920s and the most unequal distribution of wealth and income of any major country on Earth. Why is that important? It is important to know that. Before we cut Social Security, Medicare, Medicaid, education, and the ability of working-class kids to go to college, we have to know the condition of how people are doing today. The middle class today is shrinking and poverty is increasing. When we cut food stamps and Medicaid, we are going to hurt a whole lot of people, and in some cases very tragically.

Just last week a member of my staff went to southwest Virginia, and she spent the day at a program in which thousands of people in that area were lining up to get dental and health care because they didn't have any health insurance. There are 45,000 Americans who will die this year because they don't have health insurance and can't get to a doctor in time. There are people who say: Let's cut Medicaid. There are people all over this country who can't find a dentist. There are children who are suffering from dental decay. Let's cut Medicaid. Well, I don't think so.

If we look at the country, the middle class is shrinking, people are hurting, but people on top are doing phenomenally well. Very few people talk about it. I am going to talk about it. In the last study we have seen in terms of income distribution in this country—and that is what happened between 2009 between and 2010—93 percent of all new income created over that year went to the top 1 percent. I will say it again. Ninety-three percent of all new income in that year went to the top 1 percent. The bottom 99 percent had the privilege of sharing the remaining 7 percent. Yet, when we ask the people on top to maybe pay a little bit more in taxes, oh my goodness, there are lobby-

ists all over Capitol Hill saying: We can't afford to. We are down to our last \$50 billion. We just can't afford another nickel in taxes. We need that money now. Thanks to Citizens United, we can pump that money into political campaigns.

One family who is worth \$50 billion is going to put \$400 million into the campaign. Another guy who is worth \$20 billion can't pay more in taxes, but he does have hundreds of millions to pour into political campaigns.

In terms of distribution of wealth, which is a different category of costs than distribution of income, we have an incredible situation. I hope people understand what is going on in this country, where one family—one family, the Walton family, of Wal-Mart—now owns more wealth at \$89 billion than the bottom 40 percent of the American people. One family owns more wealth than the bottom 40 percent. Do we know what some folks want to do here? They want to repeal the entire estate tax and give that family a very substantial tax break, because owning \$89 billion is obviously not enough. They are struggling. We have to give them a tax break while we cut Social Security, Medicare, and Medicaid. If that makes any sense to the American people, I would be very surprised, and it does not make sense to the American people.

According to a February 2011 Washington Post poll, while more than 70 percent of Americans oppose cutting Social Security and Medicare, 81 percent supported a surtax on millionaires to reduce the deficit. My guess is if we go to New Hampshire, Maine, or any other State in America and we say to people, we have a deficit problem and the choice is between cutting Social Security or asking millionaires and billionaires to pay more in taxes, there is, in my view, no State in America—no State in this country, no matter how red it may be—where people will say: Cut Social Security and Medicare and Medicaid, but don't raise taxes on millionaires and billionaires. I don't believe that is true anyplace in America.

Today, the top 1 percent owns 40 percent of the wealth of our Nation while the bottom 60 percent owns less than 2 percent. The top 1 percent owns 40 percent; the bottom 60 percent owns less than 2 percent, and there are Members of this Senate coming to the floor and saying we are going to punish the bottom 60 percent and we are going to give more to the people on top.

There was a study that recently came out that talks about the ability of billionaires and corporations to use tax havens. What we know—and I am a member of the Budget Committee—is that millionaires and billionaires and corporations in this country are avoiding paying about \$100 billion every single year by using tax havens in the Cayman Islands, in Bermuda, Panama, and other countries. Maybe, just maybe, before we cut Social Security

and Medicare, we might want to pass legislation to make those people start paying their fair share in taxes and do away with those tax havens.

Let me conclude by saying we are in a pivotal moment in American history. If we as a Nation do not get our act together, in my view, we will move even more rapidly in the direction of an oligarchy, where we will have a few people on the top with incredible wealth controlling not only our economy but also, through Citizens United, the political life of this country. We are seeing that playing out right here on the floor of the Senate, with people who are turning their backs on working families and the middle class, and at a time when the wealthiest people are doing phenomenally well, fighting for more tax breaks for people who absolutely don't need them.

I hope the American people pay rapt attention to this debate, and I hope the American people get involved in this debate, because if they do not, mark my words, within 4 months, a handful of people, supported by corporate America and the big money interests, are going to bring down to this floor a deficit reduction proposal which will cut Social Security, Medicare, Medicaid, and give more tax breaks to the wealthiest people in this country. It will have virtually all Republican support. It will have some Democratic support. If we don't aggressively oppose this approach, that is exactly what will happen.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I appreciate my friend yielding, my dear friend from Vermont.

#### EXECUTIVE SESSION

#### NOMINATION OF ROBERT E. BACHARACH TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 759, the nomination of Robert E. Bacharach, of Oklahoma.

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

The clerk will report the nomination.

The assistant bill clerk read the nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the Tenth Circuit.

#### CLOTURE MOTION

Mr. REID. Madam President, I send a cloture motion to the desk with respect to this nomination.

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

The assistant 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 nomination of Robert E. Bacharach, of Oklahoma, to be United States Circuit Judge for the 10th Circuit.

Harry Reid, Patrick J. Leahy, Thomas R. Carper, Tom Udall, Robert Menendez, Kirsten E. Gillibrand, Dianne Feinstein, Kent Conrad, Christopher A. Coons, Herb Kohl, Amy Klobuchar, Jack Reed, Ron Wyden, Richard J. Durbin, Jeff Merkley, Richard Blumenthal, Sherrod Brown.

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

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

#### LEGISLATIVE SESSION

Mr. REID. I ask unanimous consent that the Senate resume legislative session.

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

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

Mr. REID. I ask unanimous consent that at 3:30 p.m. today, the Senate proceed to vote on the motion to proceed—or what we can do, we will start the vote at 3:25; and if somebody is going to be a bit late, we will protect them on that.

So I ask unanimous consent we start voting at 3:25 p.m. today on the motion to proceed to S. 3414, the cybersecurity bill.

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

Mr. REID. Madam President, I meant that request to be 3:22 p.m.

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

Mr. REID. All for my friend from Louisiana.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant 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.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3414, a bill to enhance the security and resiliency of the cyber and

communications infrastructure in the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Utah (Mr. LEE).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 185 Leg.]

#### YEAS—84

Akaka	Franken	Mikulski
Alexander	Gillibrand	Murkowski
Ayotte	Graham	Murray
Begich	Grassley	Nelson (NE)
Bennet	Hagan	Nelson (FL)
Bingaman	Harkin	Portman
Blumenthal	Hatch	Pryor
Blunt	Hoeven	Reed
Boozman	Hutchison	Reid
Boxer	Inouye	Risch
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johnson (SD)	Sanders
Burr	Kerry	Schumer
Cantwell	Klobuchar	Sessions
Cardin	Kohl	Shaheen
Carper	Kyl	Shelby
Casey	Landrieu	Snowe
Chambliss	Lautenberg	Stabenow
Coats	Leahy	Thune
Coburn	Levin	Toomey
Cochran	Lieberman	Udall (CO)
Collins	Lugar	Udall (NM)
Coons	Manchin	Vitter
Corker	McCain	Warner
Cornyn	McCaskill	Webb
Crapo	McConnell	Whitehouse
Durbin	Menendez	Wicker
Feinstein	Merkley	Wyden

#### NAYS—11

Barrasso	Johanns	Roberts
Baucus	Johnson (WI)	Rubio
Enzi	Moran	Tester
Heller	Paul	

#### NOT VOTING—5

Conrad	Inhofe	Lee
DeMint	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I will yield to the leader. I thank him, too, for that resounding vote, which seems to me not that the debate is over but the debate is going to begin, and an overwhelming majority of the Members of the Senate want to adopt cybersecurity legislation.

Mrs. MCCASKILL. Mr. President, I come to the floor today to express my concerns about S.3414, the Cybersecurity Act of 2012. Like many of my colleagues, I voted today to allow the Sen-

ate to fully debate and consider amendments to this bill, but I want to make it clear that I have some significant concerns about this legislation and unless improvements are made, I cannot support the legislation in its current form.

At the outset, let me just say, I do firmly believe that the Congress should take action to address our Nation's vulnerability to cyber threats. A cyber attack on our critical infrastructure, whether it be our energy grid, a regional water supply, or our financial markets, could significantly harm our economy, our national security, and our way of life. However, the legislation before us today still needs significant improvement before it can become the law of the land.

I have heard from many in Missouri, including many companies operating or associated with the types of critical infrastructure that will be subject to the provisions of this legislation. They have raised concerns that, as currently structured, S. 3414 would create redundant oversight structures and add additional standards. Moreover, the bill may have the effect of creating a new Federal system that these entities will have to comply with even though many already work within well-established systems related to developing security standards and responding to cyber threats. I cannot support legislation that creates new and duplicative systems that will impact Missouri businesses in a negative way. While addressing the critical national security aspects of improving our Nation's defenses against and ability to respond to cyber attacks, cybersecurity legislation must improve the regulatory scheme and streamline processes for businesses, not the opposite.

Additionally, the carrot-and-stick approach that is created by the current bill would limit the sharing of cyber threat information, in a protected fashion, to those private entities which are participating in the voluntary cybersecurity program the bill would create. Those in the program would have to adopt specific standards and in return would receive relevant real-time cyber threat information. Those not accepting those standards and entering the program would not receive the protections of the program and would be limited in the cyber threat information they receive. Given that sharing such information could potentially thwart a cyber attack, it seems absurd that such information would go unshared because a particular entity was not a participant in the voluntary system. Such a provision inhibits the very type of information sharing we are trying to promote in order to enhance cyber security. In this respect, the carrot-and-stick approach simply does not make sense.

I also remain concerned with the scope of responsibility this legislation provides to the Department of Homeland Security. As we have found throughout the history of DHS, it has