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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the light of the world, as You illuminate our path, may we walk in the brightness of Your presence. Use our Senators to select the plans that most honor You. May they feel concern when our Nation drifts from Your precepts and labor to restore those values that will keep America strong. Lord, help them to do their very best each day and leave the results to You. Give them the wisdom to lift each other's burdens by being as encouraging to others as You have been to them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, August 1, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

VETERANS JOBS CORPS ACT OF 2012—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 476, which is the Veterans Jobs Corps Act, sponsored by Senator NELSON of Florida.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 476, S. 3457, a bill to require the Secretary of Veterans Affairs to establish a Veterans Jobs Corps, and for other purposes.

Mr. REID. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

CYBER SECURITY

Yesterday I filed cloture on the cyber security bill. As a result, the filing deadline for first-degree amendments is 1 p.m. today. We will let the Senate know about votes scheduled. We are trying to do one on Burma and the African trade bill that we have wanted to do for a long time, but Republicans have held it up to this point. But we will see what we can do to move forward on that.

Madam President, last week GEN Keith Alexander, commander of the U.S. Cyber Command, was asked to rate how prepared America was to face a cyber terrorist attack on the scale of 1 to 10. Here is what he said: "From my perspective I'd say around a 3."

Keep in mind, 1 is totally unprepared, 10 is totally prepared. Three is what he said. One of the country's top national security experts gave us 3 out of 10, a failing grade by any standard.

He went to say that the type of cyber attacks that could black out the United States for weeks or months are up seventeenfold in the last 3 years. The Nation's top security experts have said a cyber 9/11 is imminent. They say frailties in our defenses against these attacks are most urgent. They are a threat to our national security. Nothing is more important.

So it was with disappointment last night that I filed cloture on legislation to reinforce our defenses against these malicious attackers. Some are countries, some are organizations, some are individuals. National security experts have been plain about the urgent need to act. They say the question is not whether to act but whether we will act in time.

One need only look at the headlines in papers all over America today—all over the world today. As we speak, 600 million people in India are without electricity. It is not believed there was any terrorism involved. It is believed it relates to the unusual weather, probably based, many experts say, on global warming. They have never had such heat in India, which has put a tremendous burden on their fragile power system.

This legislation we are trying to finish has been worked on for years—years—not this Congress but going into last Congress. I was pleased to hear last week that many of my colleagues were working on thoughtful amendments to improve and strengthen this measure in spite of the untoward pressure by the Chamber of Commerce to kill this legislation. Senators on both sides have worked hard to address every concern raised by the private sector about this legislation. Senators LIEBERMAN and COLLINS have been exemplary. The bill that is before this

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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body now is not nearly as strong as I would like, but that is what compromise is all about. I accept what they believed they had to do.

I expected a healthy debate on this important issue. I also expected to process many relevant amendments. Unfortunately, that was not good enough for a few of my Republican colleagues. Instead of substantive amendments that deal with our Nation's cyber security, they are insisting on political show votes. Instead of substantive amendments that deal with our Nation's cyber security, they are looking at all kinds of other things. I had thought they were going to be serious about this, but they are not. The threat is clear, and protecting the computer networks that control our electric grids, water supplies, and financial systems should be above political wrangling. So I was doubly disappointed to watch a bipartisan process derailed by ideological attacks—for example, on a woman's right to choose her health care generally.

As 47 million Americans were set to gain access to preventive services with no out-of-pocket costs, Republicans insisted once again on a vote to repeal these benefits. They want to roll back the clock to the days when insurance companies could discriminate against women. Why? Because they were women. They had a preexisting disability—their gender.

To make matters worse they are willing to kill a bill that will protect our Nation from cyber terrorism in the process. But this is not a new tactic. You may remember, as we all do—and I was reminded of that yesterday by a question that was asked of me by the distinguished assistant leader, Senator DURBIN, that reminded the entire Senate that on a surface transportation bill that put 3 million jobs at risk, their first amendment was by Senator BLUNT on women's access to contraception.

Still, I admit I was surprised that Senator MCCONNELL would so brazenly drag partisan politics into a debate over a measure crucial to national security. It is today when the health care bill that we passed designates women will no longer be second-class citizens in relation to health care. So I cannot imagine a more untimely attack on women than yesterday.

Yesterday Senator MCCONNELL and I received a letter from General Alexander, who runs the National Security Agency—he is one of the top leaders there—urging us to move more quickly. Here is what he wrote, partially:

The cyber threat facing the nation is real and demands immediate action. The time to act is now; we simply cannot afford further delay. We need to move forward on comprehensive legislation now. I urge you to work together to get it passed.

What more do we need? What more does the Chamber of Commerce need so that they can release my Republican colleagues? I share General Alexander's concern.

Mr. DURBIN. Will the majority leader yield for a question.

Mr. REID. I will be happy to.

Mr. DURBIN. I would like to ask the majority leader if he is aware of the statement we had on the floor of the Senate by Senator WHITEHOUSE, who has been one of the leaders in putting together the cyber security bill relative to an incident at the Chamber of Commerce? I would like to read it, if I may, very briefly. And I quote Senator WHITEHOUSE from page S5720 of the July 31 CONGRESSIONAL RECORD:

Even the U.S. Chamber of Commerce has been the completely unwitting victim of a long-term and extensive cyber intrusion. Just last year the Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about 3 million members, and they remained on the U.S. Chamber's network for at least 6 months and possibly more than a year. The Chamber only learned of the break-in when the FBI told the group that servers in China were stealing their information.

Even after the Chamber was notified and increased its cyber security, the article stated that the Chamber continued to experience suspicious activity, including a "thermostat at a townhouse the Chamber owns on Capitol Hill . . . [that communicated] with an Internet address in China . . . and . . . a printer used by the Chamber executives spontaneously . . . printing pages with Chinese characters.

As Senator WHITEHOUSE has said:

These are the people we are supposed to listen to about cyber security.

Can I ask the Senator from Nevada if he was aware that the chamber opposition to the cyber security bill certainly belies the fact that they have been hacked by the Chinese themselves, and they didn't even know it until the Federal Bureau of Investigation reported it?

Mr. REID. Madam President, in answer to my friend, we are living in a modern world. A thermostat—isn't that what the Senator just said?

Mr. DURBIN. That is right.

Mr. REID. Is the connectivity to what China wants to get from the Chamber of Commerce. Remember, that is only one way they get this information. But the numerous instruments we carry around—BlackBerrys, iPhones, all these kinds of things, instruments we have at home—every one of those is a vehicle to find out what is going on in my life, your life, the life of the Chamber of Commerce. I cannot imagine how my Republican friends can follow this lead. I don't know who. We have had Republican leaders in the past, on security—they have all said do something about this.

I would love to have a bipartisan bill to work through this with some amendments. I do not expect anyone to think the bill Senator LIEBERMAN and Senator COLLINS did is perfect. But it is a lot better than nothing. I hope people, when we vote on this tomorrow, will invoke cloture and pass their bill.

I had no choice but to file cloture. I am going to continue to work with all

Senators to find out if we can reach a compromise.

I wish I had better news. Ignorance is bliss. I wish I did not know as much. I wish the briefings I had down in the classified area of the Capitol—a lot of that information is kind of scary. It is scary that we are not doing something about this bill.

Would the Chair announce the business of the day?

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. The majority leader's time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with Republicans controlling the first half and the majority controlling the final half.

The Senator from Georgia.

Mr. ISAKSON. Madam President, while the majority whip is on the floor, I want to pay him a compliment about some remarks I am going to make this morning. A group of 6 people in the Senate, three Republicans and three Democrats, about a year and half ago began getting together to deal with our fiscal problems in this country, both entitlements as well as our tax system as well as spending. I commend him for his work on that because I am going to talk exactly about what this Senate and this Congress has to do in the months ahead to deal with the fiscal cliff we are about to go over, but I want to acknowledge the fact that many of us, most importantly the distinguished majority whip, have been working on solutions that we are going to have to take if we are going to save the Republic and the economy.

I wanted to pass that on to the distinguished majority whip.

In my State of Georgia, the most recent report on unemployment posted our unemployment rate at 9 percent. In our State we advertise foreclosures every Friday and leading up to the first Tuesday. We set a record in the month of July on the number of foreclosures being advertised.

Yesterday in my office I had a meeting with the President of Lockheed. They are headquartered in Fort Worth, but they have one of their largest manufacturing facilities in Marietta, GA. They are going to have to send out their notice of potential layoffs that will take place because of sequestration. We just got the second quarter GDP report that said we are still slowing down and going down to 1.5 percent from a previous quarter of 2 percent. All indicators are that we are heading to a second bump in our economy, and what has been a very protracted and weak recovery is beginning to fail, and we are looking at a fiscal problem that is going to affect this country for decades to come.

I encourage my colleagues in the Senate to recognize the clock is running and time is running out. We can no longer postpone doing those things

we must do as a Congress to save the Republic and save our economy and begin producing jobs in this country. The most important thing our people need is certainty. They need certainty in regulation, and they need certainty in tax policy. The American people need to know we are going to do what we have to do to save this Republic and to save this economy. For the few minutes I have this morning, I wish to talk about that. All the solutions are on the table. The problem is that none of us seems willing to take them off the table and put them on the floor and deal with it.

Let's talk about spending. Our deficit has been announced for this particular fiscal year to be \$1.2 trillion, \$100 billion less than the total spending of the U.S. Government. We have to cut discretionary spending. We can't totally balance our books by cutting discretionary spending. We have entitlements. Our entitlements are growing because of what? Our economy. Why are food stamps up from \$35 billion to \$87 billion? Because a lot of people are hungry and a lot of people are out of work. Why are AFDC and many other programs rising rapidly? It is due to the economy. If we can deal with the spending and if we can deal with entitlements, then we can begin to bring back certainty and our economy will come back and our jobs will come back and there will be less pressure on the entitlement programs.

We are going to have to also recognize that "entitlements" is not the right word for programs such as Medicare and Social Security. Those are contracts with the American people. I pay 6.2 percent of my income—the President does as well—to the payroll tax for my Social Security. I paid 1.35 percent for my entire life to Medicare. That is a contract with my government. We have to fix those programs.

Social Security is easy. Social Security is fixable by moving the eligibility date to the outyears. For my grandchildren, eight of whom are under 8 years old, that ought to be 69 or 70 years old before they become eligible. We don't need to cut their benefit or raise their tax, but we need to actuarially put out their eligibility. That is what Ronald Reagan and Tip O'Neill did in 1983 to save Social Security until the current pressure it is under right now.

Medicare is the tough animal to deal with. We are going to have to recognize that we have to get out of the fee-for-service business and then do a premium support business. That way, we can quantify premium support and know how much we are spending, and the American people have the choice of buying the insurance and the coverage for Medicare that they want. It ought to be means tested. We ought to make sure that those who can afford more insurance, like myself, have less support and those who are in need have more support. But it should be quantified in terms of support for premiums, not a fee-for-service reimbursement system.

In terms of our revenues, everybody always wants to talk about taxes. Last week we had a debate that was meaningless and worthless over political positions of two political parties on tax systems. We need to look at Bowles-Simpson. We need to clean up our Tax Code. We need to use the tax expenditures that we get as income by reducing them and waiving them. We need to use that income to reduce the rates on corporate taxes and all the marginal rates of taxation so we can encourage people to spend their money, invest their money, and make our Tax Code simple. We don't need to raise taxes, we need to raise their attitude. We need to improve the plight the American taxpayers have today by giving them certainty and a tax code that is clean, a tax code that is fair, and a tax code that produces jobs, revenues, and growth.

My message this morning is this: If we go up to probably Friday when we go home for the month of August and we come back in September for 60 days and wait until the election, we are putting off dealing with issues that affect our economy, affect our people, and affect our future. I, for one, stand ready the minute the leaders are ready to put these issues on the floor, and let's vote on them. Let's deal with the future of the American people, their taxes, their entitlements, and the guarantees we made to them on Social Security and Medicare. Let's deal with our responsibility. Let's not sequester spending, let's cut where we should cut and let's add money where we should add money. Let's run this country like a business and not like a political action committee.

I yield to the Republican leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT *pro tempore*. The Republican is recognized.

DEFENSE SEQUESTER

Mr. McCONNELL. Madam President, yesterday I came to the floor to draw attention to the administration's transparent attempts to conceal the impact of defense cuts President Obama demanded as part of last year's debt-ceiling deal. I was referring, of course, to the administration's Monday notification to businesses that work with the government that they are under no obligation to warn employees who might lose their jobs as a result of these cuts. Incredibly, the administration's argument was that they don't expect the cuts to happen even though the President had not done a thing to prevent them and even though Congress had to pass a law requiring the administration to tell us what the cuts would look like.

So let's be clear. The administration officials who sent out this notification instructing businesses to keep quiet about these cuts know just as well as I do that the cuts are coming unless Senate Democrats act or the President of the United States finally decides to come up with a credible plan to replace them.

The only reason the administration sent out this guidance to employers earlier this week was to keep people in the dark about the impact these defense cuts will have until, of course, after the election. So the White House is clearly trying to hide the ball from all of us. The clearest proof of that is the fact that no one even denied it after I noted it here just yesterday. But if we did need further proof, we actually got it yesterday when the Obama administration's Office of Management and Budget issued guidance of its own to departments and agencies telling folks they should prepare for the cuts.

So let's get this straight. Government workers should prepare for cuts, but private businesses and their employers should not. Not a week seems to pass that we don't see more evidence of the President's absolute contempt for the private sector, and here is the latest. The Federal Government is told to prepare for cuts, and yet the private sector businesses are specifically told it would be "inappropriate" to tell people they could lose their jobs. The cuts to the Defense Department under sequester are the law of the land, and until Congress changes that fact they are totally foreseeable.

Yesterday the Director of OMB exempted appropriations for military personnel from the sequester, providing even more certainty that the cuts to defense will fall upon training, maintenance, and weapons procurement and development. So the fact is that private businesses have a higher degree of certainty that their workforces will be hit. Yet here is the administration's message: If you are in the public sector, prepare for cuts. If you are in the private sector, don't even warn your employees that their jobs actually may be on the line.

What a perfect summary of this administration's approach to the economy and jobs over the past 3½ years. Private businesses didn't earn their success; somebody else made that happen. Now the President says: If you work hard in the private sector, you don't even deserve to know if your job is on the chopping block. The private sector is doing just fine; it is the government that needs help. That is the message of this administration.

Just as disturbing is what this says about the administration's approach to our national defense. The President's own Defense Secretary has said these cuts would hollow out our Armed Forces. Yet the President has not said a word about how he plans to responsibly replace them or, if he accepts a weakened national defense, how he will carry them out. Congress had to actually pass a law forcing him to make these plans clear to everybody. Now, he hasn't signed the bill yet. It went to him by voice vote out of the Senate last week. The defense cuts that will be triggered under the sequester are in addition to the \$487 billion in cuts to the Department identified by Secretary Gates.

It is time for the President to provide the leadership to avoid these reductions that will render his own strategy unsustainable. A lot of people are wondering how they will be affected by these cuts. The fact that many of them will be voting in swing States in November is no reason to leave them wondering about their fate any longer.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

THE DEFICIT

Mr. JOHNSON of Wisconsin. Madam President, I have been listening to the debate on spending and taxes and our debt and deficit. I come to the floor this morning with a few visual aids and charts and graphs to try to dispel some of the myths I have been hearing.

The first myth I constantly hear is about the Draconian cuts being proposed in the House budget. I think this chart pretty well dispels that by showing that 10 years ago, in 2002, the Federal Government spent \$2 trillion. This last year—this year—we will spend about \$3.8 trillion. We have doubled spending in just 10 years. The debate moving forward shows that under the House budget, we would spend \$4.9 trillion. President Obama's budget proposes spending \$5.8 trillion. I think it is clear to see from this chart that nobody is proposing net cuts in spending. We are just trying to limit the rate of growth in spending.

Another way of looking at spending is over 10 years. In the 1990s, the Federal Government over a 10-year period spent \$16 trillion. The last decade, from 2002 through 2011, the Federal Government spent \$28 trillion. Again, the debate moving forward is, over the next 10 years do we spend \$40 trillion, as the House budget proposes, or do we spend \$47 trillion? Again, no cuts, just trying to reduce the rate of growth.

Let's talk a little bit about what the Federal Government has spent under the current administration. Over the 4 years of President Obama's administration, the Federal Government in total will spend \$14.4 trillion. Think back to the last graph. That is almost as much as we spent in the decade of the 1990s. The entire deficit for that time period was \$5.3 trillion. In other words, we had to borrow \$5.3 trillion of the \$14.4 trillion we spent; that is, about 37 cents of every dollar spent, we borrowed. We put that debt burden on the backs of our children, our grandchildren, and our great-grandchildren.

I often hear that the whole problem with the deficit is caused by the war costs or the 2001 to 2003 tax cuts. We added those to the chart here. We can see that the total amount over that 4-year period of the overseas war costs and the Bush tax cuts was \$1.2 trillion. It is less than 25 percent of the total deficit. Again, they are a factor but not the cause of the deficit. The cause of the deficit primarily is spending.

This chart basically shows what has been happening over the last 50 years. The structural deficit we have incurred

is a basic result, on average, of the Federal Government spending 20.2 percent of the gross domestic product from 1959 to 2008, prior to this administration. On the other hand, revenue generation averaged about 18.1 percent of GDP, which gives us a 2.1-percent structural deficit. That is why our debt has continued to grow.

Under this administration, starting with the recession, that structural deficit exploded, with tax revenue dropping to about 15 percent and spending skyrocketing to 25 percent and now to about 24 percent. It is on a trajectory to hit 35 percent by the year 2035. Clearly, that is unsustainable.

Another way of taking a look at the tax cuts of 2001 and 2003, in terms of their total effect on our deficit figure, is to actually put them on a bar chart. The red bars represent the total deficit. The blue portions on the bottom of those red charts are the actual reductions in revenue from those tax cuts. We can see it is not a very large figure. In total, over that—I guess that is an 11-year time period, the total Bush tax cuts were about \$1.7 trillion, while the entire deficit was about \$7.5 trillion. The tax cuts represent about 22 percent of that total deficit—but, again, when we take a look at the last 4 years, a far smaller portion of the deficit, because the primary deficit over the last 4 years has been on the spending side of the equation.

What does the President offer us for solutions? Last year, he proposed the Buffett rule. In a speech on September 26, in proposing the Buffett rule, he used the basic principle of fairness that he said the Buffett rule represents, and if that was applied to our Tax Code, it could raise enough to not only pay for his jobs bill, it would also stabilize our debt and deficits for the next decade. Think about what President Obama said there. He said the Buffett rule would not only pay for his jobs bill but would stabilize our debt and deficits for the next decade. Here is the chart and here is the fact: The Buffett rule for 4 years—4 years of the Buffett rule, it was projected, would raise about \$20 billion total. President Obama's 4 years of deficit is \$5.3 trillion. So let's state it a different way: \$5,300 billion. It doesn't take a math major to realize \$20 billion doesn't even come close to stabilizing a deficit of \$5,300 billion. President Obama misled the American people. I think the President of the United States has a far higher duty to the American people. He should be honest with them.

Last week, we debated the other tax proposals offered by our friends on the other side of the aisle. In proposing this and actually, unfortunately, passing this piece of tax legislation, the majority leader said this piece of legislation is about debt. It is about the debt, he said. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

Again, let's take a look at the facts. The first years of that tax legislation—

the only years that count—would have raised \$67 billion a year on average compared to last year's deficit of \$1,326 billion. Is that trying mightily to fix the debt and deficit? I don't think so.

If we were serious about fixing our debt and deficit situation, if we were trying mightily to do that, we might have tried passing a budget in the last few years. We might have actually brought appropriations bills to the floor so they could be debated and passed in the House and signed into law so we would not be faced with what we are faced with right now, which is a continuing resolution to fund the government in 2013.

Again, dispel the myth: The Democrats' tax proposal would do nothing—almost nothing—to stabilize our debt and deficit. It is simply a political exercise. It is political demagoguery. It is class warfare.

I ask the American people to consider a simple question: Are they for increasing taxes on the productive sector of our economy, the small businesses, those 1 million small businesses that would be affected by this? The money that would be taken out of those small businesses that they would use to expand their business, to buy capital equipment, to increase wages, to pay for health care, and invest in 401(k) plans, it does not stabilize the debt and deficit. It does nothing to do that.

I think Republicans basically agree with President Obama and President Clinton. Back on August 5, 2009, just as we were coming out of recession, President Obama said: "You don't raise taxes in a recession." I agree with that. Republicans agree with that.

Back in December—the last November and December of 2010—right after the lameduck session when all the tax rates were extended for 2 years, President Obama said: "If we allow these taxes to go up . . . the economy would grow less."

He was right. Back then, by the way, average growth in our economy was about 3.1 percent. During the last four quarters now, the economy has only grown about 2 percent. Our economy is in worse shape. It only grew at 1.5 percent in the last quarter. We can see the downward trajectory.

Of course, President Clinton also said probably the best thing we could do is to extend all the tax rates to take that sense of uncertainty off the table. That is what Republicans are proposing.

Let's not increase taxes on any American at this point in time. Let's not threaten any kind of government shutdown. As much as fiscal conservatives do not like the Budget Control Act or those spending limits, we think it is reasonable policy to pass a 6-month continuing resolution so a responsible leader can come into this town and actually start fixing our debt and deficit situation.

That is what Republicans are all about, taking the uncertainty of a shutdown off the table, taking the uncertainty of what people's tax rates

will be over the next year off the table, and being responsible.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SMALL BUSINESSES

Mr. HELLER. Madam President, I don't believe any State has felt the brunt of this recession more than the State of Nevada. We are a State that leads the Nation in unemployment, leads in foreclosure, and leads the country in bankruptcy.

There is not an evening that goes by or a day that goes by that I am not thinking about what can we do to create jobs and get our economy moving. In order to help small businesses thrive again, we must tear down the barriers to growth and opportunity and launch this Nation into its next great chapter.

Small businesses are our Nation's economic backbone and they were built on the very same values of hard work and determination our Nation was founded upon. This issue is very personal to me. I spent most of my childhood working at my father's automotive shop in Carson City—Heller's Engine and Transmission. At this small business my dad taught me how to fix engines and transmissions but, more importantly, I learned about hard work, I learned about personal responsibility, and I learned how to provide an important service to our community.

Although my father's shop has been closed for some time, I have asked him what he would do as a small business owner in today's environment. First of all, he said, you couldn't open that same shop, not with the regulations, the taxes, the overhead that would be involved from what this government has produced. But his simple answer is he would have to close his shop because of the uncertainty and the costs due to all the Federal regulations and mandates.

Contrary to what some in Washington may believe, my father built his business and he worked long hours to make it successful. It was through this business that he provided for my mother and my five brothers and sisters. I can't thank my father enough for the values he instilled in me. It is humbling to think that all around our country sons and daughters are still learning from their parents who are making a living at their small businesses. These businesses are often struggling to make payroll, pay suppliers and, in some instances, can't even afford to pay themselves. These Americans are fighting every day to achieve the American dream, but what they get from Washington is more attacks on their livelihood in the form of new regulations, new mandates, and, of course, every day the talk of new taxes. Just last week, the majority party offered a tax plan that would kill 6,000 jobs in Nevada and more than 700,000 jobs nationwide. In a stagnant economy suffering from chronic unemployment, we should be looking for

ways to strengthen job growth, not pushing destructive tax increases that serve as nothing more than political talking points.

Every week I hold telephone townhall meetings with Nevadans from across the State. Lately, a lot of Nevadans have discussed how some in the majority party are willing to take our economy off a fiscal cliff if Republicans will not vote for tax increases on small businesses.

For the past 2 weeks, I have asked all those participating in these townhall meetings if they believe this type of partisan politics is good for the economy. We shouldn't be surprised to know that a vast majority believe partisanship at the expense of the economy needs to end, and with that I agree.

Last Friday, I visited Joe Dutra, who owns Kimmie Candy in Reno, at his factory. He talked about how he is fighting to grow his business with his kids, John and Kathryn. Unfortunately, instead of supporting small businesses throughout our country, Washington has been making a difficult situation even worse. Joe has been getting a lot of heat lately from the press because he is standing up against politicians who belittle his efforts and has had the courage to fight the destructive policies coming out of Washington.

Let me assure my colleagues that Joe built his business and works hard to keep it going. That is what many small businesses across this country want to do. They want nothing more than to expand their businesses, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. Instead of encouraging this, Washington has increased their burden with miles of regulatory redtape. They passed a health care law that is costing jobs and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

Small businesses are the lifeblood of our economy and will be a key component to our recovery. It is far past time Washington recognized this by encouraging their growth and getting our Nation on the right track.

Thank you. I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. JOHANNNS pertaining to the introduction of S. 3467 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. JOHANNNS. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, as I begin to talk this morning about the wind production tax credit, I think we all know that tax credits have encouraged our wind industry to invest in that great, new, cutting-edge form of power, and that has resulted in the creation of thousands of American jobs and wind projects all over our country. Forty-eight States have a stake in our wind energy industry. But the production tax credit that has driven this investment in American manufacturing and job creation is about to expire at the end of this year.

I have been coming to the floor on an ongoing basis to make the case that we ought to extend the wind production tax credit as soon as possible.

I know the Acting President pro tempore has been here on a couple of occasions when I have spoken about this issue before. In fact, this is the 14th time I have come to the floor to speak to this important opportunity but also the peril that awaits us if we do not extend the wind production tax credit. The key here is that we have created uncertainty. The wind energy industry is beginning to back off investments for next year. They need certainty. They need predictability.

I have come to the floor today to talk, as I have been on each occasion, about a particular State and that State's contribution to the wind industry. Today I want to talk about North Dakota. It is a State with enough wind energy potential that it could meet more than 240 times its own electricity needs—240 times its own electricity needs. In fact, we know North Dakota sits in an ocean of wind, and it could power much of the Midwest if we could get that electricity to the city centers that need it, and if we keep the wind production tax credit in place.

What I want to talk about in particular in North Dakota are a couple of manufacturing facilities there. In the late 1990s, LM Glasfiber opened a facility in Grand Forks, which is in eastern North Dakota, close to the border of Minnesota, as shown on this map. They produce wind turbine blades there. And just a few years ago, DMI Industries—a company that manufactures the towers—opened a factory in West Fargo. That is also in eastern North Dakota. It is south of Grand Forks, over here, as shown on this map, on the Minnesota border as well.

These wind turbines—and the Acting President pro tempore knows this—are magnificent machines. They sit on

towers that in some cases are 100 meters tall. The wind blades themselves are like aircraft wings. The cell that sits on the top of the towers, where the gear box and all the technology is—these are very technical, very complicated, very sophisticated machines, and manufacturing them brings out American greatness. The point I am making is these are two important facilities in North Dakota.

I also want to talk about the leadership that exists in North Dakota when it comes to wind energy. I want to start with our colleague, Senator CONRAD. He has been a proponent of the production tax credit for over a decade. His reasoning is that this is a great opportunity for North Dakota, as well as for the country, and the wind production tax credit creates certainty.

His colleague Senator HOEVEN has also taken up the cause during his first term in the Senate.

One of the key points I want to make here is those two Senators are from two political parties. Yet they each support the wind production tax credit. Last month, North Dakota hosted a renewable action energy summit in Bismarck, and both Senator CONRAD and Senator HOEVEN attended. During this summit national leaders talked about how North Dakota's robust and diverse energy sector has provided the model for creating jobs and helping reduce our Nation's dependence on foreign oil.

I have to say this strikes me as the most intelligent kind of policy. It is a mix of traditional energy sources with sustainable energy such as wind. What you get from that is advanced technology. You have certainty for developers. You spur investment. You create jobs. I applaud North Dakota's leadership in putting in place a smart energy policy, an all-of-the-above energy policy, as well as our colleagues' work on this subject.

The point I am making is that North Dakota recognizes investment in wind energy is an investment in jobs. Some of those numbers make that point. Some 2,000 jobs in North Dakota are supported by the wind energy industry. Those jobs are there no doubt because of the existence of a tax credit. I would add that the tax credit is a production tax credit. So you produce the power and then you get the tax credit. This is not speculative. This is not hoping that something will happen. This is based on production of electrons. That is why it is such a powerful tool. It has been used in the past, by the way, in other energy sectors. You produce power, you produce energy, you are rewarded with an energy tax credit.

Besides jobs, the wind industry provides \$4 million annually in property tax and land lease payments that go to supporting local communities and vital services tied to those communities. Where does North Dakota rank nationally? Well, they rank 10th in terms of installed wind capacity, and third in the Nation in percentage of electricity derived from wind, with almost 15 per-

cent of their entire power supply coming from wind energy projects. That is the equivalent in North Dakota of 430,000 homes being powered by wind.

That number—I know this is important to the Presiding Officer—equals about 3 million metric tons of carbon dioxide that are not released into our atmosphere every year. It is simple: The wind industry is important to America's future and it should be incented in communities that can support it, such as in North Dakota.

The wind production tax credit is that incentive. Without a doubt, if the PTC is allowed to expire, this important American industry will shrink, move overseas, and take thousands of American jobs with it. So as I have done when I come to the floor, I am imploring our colleagues to work with me, to work with us to stop this possibility from becoming a reality. Wind energy is not a partisan issue.

As I have noted, many of our colleagues agree with me, whether they are on this side of the aisle or the other side of the aisle. They understand if we do not extend the PTC we risk losing thousands of jobs and crippling a very important, successful, existing industry. So it would be a decision that we would all regret for a long time if we let the PTC expire.

As I close, I again implore and urge my colleagues to work on this together. If we believe in energy independence and job creation, as we say, then we need to work together. Let's show Americans that we understand the economy is job one. One of the ways we can create new jobs is to extend the wind production tax credit. One of the ways we lose jobs is if we let the wind production tax credit expire. So we ought to be passing the PTC as soon as possible.

The production tax credit equals jobs. It is crucial to our future. Let's not let the wind production tax credit be a casualty of election year partisanship. We cannot—America cannot—afford it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

DISASTER RELIEF

Mr. MERKLEY. Madam President, I thank my colleague from Colorado for his remarks about the production tax credit. This is incredibly important to the wind industry. It is a big factor in the economy of Colorado and certainly a substantial factor in the economy of Oregon. So I join him in making the case, if you will, that we need to make sure we continue to drive forward this clean energy manufacturing economy that produces zero carbon dioxide.

I can tell you, I recently had the chance to drive from the northern border of Oregon to the southern border in an electric Leaf. We have enough charging stations now along the interstate to make this possible. It was miraculous to not produce a single molecule of pollution out of that car trip.

If that energy for that car is coming from wind, then not any—zero—carbon

dioxide is produced, a zero impact on global warming. So certainly what is very good for the American worker, for the American economy, is also good for our air and the environment here in our Nation and around the world. We must get this production tax credit passed. I will continue to work with him to make this happen.

I rise today to address a critical issue for Oregon's ranchers and farmers who are dealing with wildfire devastation—huge devastation. I am going to put up some pictures. We have had in the last month the largest fires in Oregon in over a century. An enormous amount of land has been burned in the process.

The Long Draw fire in Malheur County burned 557,000 acres or, to translate that, that is about 900 square miles. This is the largest wildfire in Oregon since the 1800s. This chart shows the incredibly powerful flames these ranchers and farmers have been dealing with. As these flames sweep across the grasslands, the cattle and other livestock are often killed in the process. The land does not quickly recover because of the intensity of the fire and how it affects the soil.

Let me give you another view of this same fire. This is actually a picture taken from Nevada looking toward Oregon. You see this massive wall, this massive wall of smoke coming across. It is an incredible sight to behold when a fire is in full rage as this was.

The Long Draw fire was one of the major fires, but the Miller Homestead fire was another. It burned about 250 square miles. Here again, you can see the dramatic flame front southeast Oregon was fighting. This is moving through the sagebrush, continuously progressing, moving very quickly when the wind is driving it, creating an enormous wall of smoke.

Let's take one more view. Here we see the aftermath of the fire when it was stopped by a road as an interlude. It completely destroyed land on one side of the highway, and what it looked like, this green grassland, this was not all dry and parched, this green grassland, before the fire moved through.

In addition to these two huge fires, we have had a number of others—the Lexfalls fire in Jefferson County; the Baker Canyon fire in Jefferson and Wasco Counties; the West Crater fire in Malheur County, each of these having a substantial impact in addition to the Miller Homestead and the Long Draw fires.

Together, these fires have consumed over 1,100 square miles. That is roughly an area the size of Rhode Island. So an entire State would fit into the area burned in Oregon. These fires are now under control, and southeastern Oregon is surveying the damage and picking up the pieces.

One of the things they would immediately turn to, our farmers and our ranchers, would be the disaster assistance that has always existed within the farm bill. But guess what. These disaster assistance programs are not

available because the House has failed to act on the farm bill. This Senate passed the farm bill, a bipartisan bill, Republicans and Democrats coming together.

In it are the reauthorizations of four key programs. One of them is the Livestock Indemnity Program that addresses when there is a natural disaster like this, addresses the death and the loss of cattle and other livestock.

A second is the Emergency Assistance for Livestock Program called the ELAP. But it basically addresses the lost value of forage on private land, and then the LFP program, or Livestock Forage Disaster Program, that addresses the loss of forage on public land. Those of you who are not from the West may not be aware that a lot of our livestock is operating on land that is leased to our ranchers. So when a fire like this affects those public lands, it also is affecting the value of the lease to those farmers and the ability of their livestock—those that have survived the fire—to be able to find forage and continue to live.

It is deeply disturbing that the House has not voted on the farm bill and sent it to conference. I urge them to act on this quickly. Without these key disaster relief programs, ranchers and farmers who have lost livestock and grazing land are left with few options. That is wrong. A rancher in southeastern Oregon who has been devastated by these wildfires should not pay the price because the House of Representatives will not bring a farm bill that it can pass and send to conference.

Let's be clear. The best solution to this problem, as well as many other issues, would be for the House to pass the bipartisan Senate farm bill. This would bring timely relief to all of those who have suffered in the disaster, and certainly to the farmers and ranchers across Oregon who have been struck by the largest fire in this century, a fire larger than the State of Rhode Island.

But if we can get consensus to bring immediate relief in the face of the inaction by the House, then we should do so. That is why I have introduced the Wildfire and Drought Relief for Farmers and Ranchers Act to extend the most urgently needed programs immediately. This would extend the programs for livestock indemnity. This would extend the program for forage loss on public lands and forage loss on private lands.

I urge my colleagues to take the same bipartisan spirit they brought to the farm bill to recognize that this Chamber has already voted to extend disaster programs and, if necessary, move quickly to extend these disaster programs, if necessary by themselves, in order to help our ranchers, to help our farmers who have been affected by these natural disasters, including this once-in-a-century fire in the State of Oregon.

Again, I encourage the House of Representatives to immediately get the farm bill to conference. This should be

done in the context of many programs that need to be renewed that have been worked out. But in absence of that, let's find a way to move quickly to assist our farmers and ranchers in the face of devastating natural disasters.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I ask unanimous consent to speak as in morning business for the duration of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANNIVERSARY OF I-35W BRIDGE DISASTER

Ms. KLOBUCHAR. Madam President, I rise today to speak on the 5-year anniversary of the horrific collapse of the I-35W bridge in Minneapolis, and to pay tribute to those who lost their lives on that tragic summer day.

As I said the day after the bridge collapse, "A bridge just should not fall down in the middle of America." Not a bridge that is a few blocks from my house. Not an eight-lane highway. Not a bridge that I drive over every day with my husband and my daughter. But that is what happened that sunny summer day in Minneapolis, MN.

I can't even begin to count how many times I have thought about that bridge, and everyone in our State actually remembers where they were the day it collapsed. It was one of the most heavily traveled bridges in our State, and in all that day 13 people lost their lives and scores were injured. So many more could have been killed if not for the first responders, if not for the volunteers, who instead of running away from the disaster, when they had no idea what actually happened, ran toward it and rescued their fellow citizens.

Everyone was shocked and horrified, but on that evening and in the days that followed, the whole world watched as our State came together, as they did in the minutes and hours after the collapse. I was proud to be a Minnesotan.

The emergency response to the bridge collapse demonstrated an impressive level of preparedness and coordination that should be a model for the Nation. We saw true heroes in the face of unimaginable circumstances. We saw an off-duty Minneapolis firefighter named Shannon Hanson, who grabbed her lifejacket and was among the first at the scene. Tethered to a yellow life rope in the midst of broken concrete and tangled rebar, she swam from car to car searching for survivors up and down in that river.

We saw that schoolbus perched precariously on the falling bridge deck. I called it the miracle bus. Inside there were dozens of kids from a very poor neighborhood, who had been on a swimming field trip. Their bus was crossing the bridge when it dropped. Thanks to the quick action of responsible adults and the children themselves, they all survived, they all got off that bus.

Although you can never feel good about a tragedy like this one, I cer-

tainly felt good about our police officers, firefighters, paramedics, and all the medical personnel who literally saved dozens and dozens of lives.

On this, the 5-year anniversary of the bridge collapse, we should again honor those heroes and the countless lives they saved.

For a minute, I want to tell you a few examples. A woman named Pamela Louwagie, who writes for the Star Tribune, gathered some of their stories this weekend. Some of these people I know. Lindsey Patterson Walls was in a Volkswagen that went over the bridge; she kicked out the doors and windows and was able to get out and survive. She is putting the collapse to work in her career. She is a youth worker who counsels children and teens and she discovered that her trauma, as hard as it was, wasn't so different than that of her clients. She felt insecure in the world, wondering whether another bridge would collapse under her, and she realized that the homeless teens she counsels felt insecure, wondering where they would sleep at night. It is a lesson she takes with her every day in her job.

Betsy Sathers is someone I have come to know. Her husband was 29 years old when he died in that bridge collapse. They had just gotten married and they planned on having a family. She decided to adopt children from Haiti. In the aftermath of that earthquake, she already knew the names of these children she was going to adopt. She would not let those kids just be left in that rubble. She contacted our office. We worked with her and brought Alyse and Ross back from Haiti, and she is their mother. I saw them this weekend with their big smiles and their mom. That is an inspirational story.

The Coulter family was in their minivan—the kids, the mom, the dad. It was clear at the beginning that they were severely injured and the mom, Paula, they didn't think would survive. Also, after they learned that maybe she was going to make it—she had devastating injuries to her brain and her back—one time during one of the surgeries, they had to jolt her heart back to life. They had suggested that her family start looking for nursing home care. But she didn't give up—Paula and her family didn't give up. After 2 years, with the help of some great therapists, she could walk and move again and go back to her counseling job part time, and two summers ago she and her trainer ran a 5K race. That is inspirational.

Then there is the bridge itself. After it collapsed, it was so clear to us that we had to rebuild it and we had to rebuild it right away. In just 3 days, Senator Coleman and I worked together in the Senate to secure \$250 million in emergency bridge reconstruction funding. Representative Jim Oberstar led the way in the House. Approval of the funding came with remarkable speed in this Chamber. It was bipartisan and we

were able to get the funding. From the moment that bridge started construction to the end, it took less than a year to rebuild a bridge that is now a 10-lane highway.

Today, the new I-35W bridge is a symbol of pride and the resilience of a community. This weekend, when I was at the Twin Cities heroes parade with our veterans, the organizer looked at me proudly and said: Tonight they are lighting up the 35W bridge red, white, and blue. So it literally has become a symbol of hope in our State.

The new bridge is a hundred-year bridge with more lanes than before. It is also safer. The bridge includes state-of-the-art anti-icing technology, as well as shoulders, which the old bridge didn't have.

Of course, bridge safety was on the minds of all Americans, especially those of us in Minnesota, following the bridge collapse. Immediately afterward, the Minnesota Department of Transportation inspected all 25 bridges in Minnesota with a similar design as the I-35W bridge. This inspection led to the closing of the Highway 23 bridge in St. Cloud, where bulging of gusset plates was found. I remember seeing it. It accelerated its planned replacement of that bridge, which opened in 2009.

But the reforms were not all structural. Since then, the department of transportation in our State has improved the way the inspections and maintenance functions of the department handle critical information and necessary repairs.

Just as in Minnesota, bridge safety became a priority nationally as well. After the National Transportation Safety Board identified gusset plates as being heavily responsible for the collapse, a critical review of gusset plates was conducted on bridges across America, and there was new attention focused on deterioration of steel and weight added to bridges over the years through maintenance and resurfacing projects.

The national organization that develops highway and bridge standards, the American Association of State Highway Transportation Officials, updated bridge manuals that are used by State and county bridge engineers across the Nation.

I will say that 5 years later we have still not made as much progress as I would have liked. The Federal Highway Administration estimates that over 25 percent of the Nation's 600,000 bridges are still either structurally deficient or functionally obsolete.

The American Society of Civil Engineers gave bridges in America a C grade in its 2009 Report Card for America's Infrastructure and a D for infrastructure overall.

We did take a positive step forward with the recent bipartisan transportation bill that will help State departments of transportation fix bridges and improve infrastructure.

For Minnesota, that bill means more than \$700 million for Minnesota's

roads, bridges, transit, congestion mitigation projects, and mobility improvements.

The bill gives greater flexibility to State departments of transportation to direct Federal resources to address unique needs in each State. It also establishes benchmarks and national policy goals, including strengthening our Nation's bridges, and links those to Federal funds. It reduces project delivery time and accelerates processes that will reduce in half the amount of time to get projects under way.

However, we all know more needs to be done. While other countries are moving full steam ahead with infrastructure investments, we seem to be simply treading water, and in an increasingly competitive global economy standing still is falling behind.

China and India are spending, respectively, 9 and 5 percent of their GDP on infrastructure. We need to keep up. We need to build our infrastructure. That is why I authored the Rebuild America Jobs Act last fall, which would have invested in our Nation's infrastructure. It would have also created a national infrastructure bank—something the occupant of the chair is familiar with—to help facilitate public-private partnerships, so that projects could be built that would otherwise be too expensive for a city, a county, or even a State to accomplish on its own. We included a provision to set aside a certain amount of funding for road projects. Unfortunately, while we got a majority of the Senate voting to advance this bill, we were unable to break the filibuster.

So 5 years to the day after the I-35W bridge fell into the Mississippi River, we know we have much to do to ensure our 21st century economy has the 21st century infrastructure we need. I know I am committed to move forward and work in a bipartisan way to address our Nation's critical bridge and infrastructure needs and prevent another tragedy like the collapse of the I-35W bridge.

They didn't distinguish on that bridge on that day 5 years ago who was a Democrat or Republican. Certainly those first responders—the cops and firefighters—didn't ask what political party somebody belonged to. They simply did their job. That is what we need to do in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

CYBERSECURITY ACT OF 2012

Mr. LIEBERMAN. Madam President, I rise to speak about the Cybersecurity Act of 2012, which is numbered S. 3414.

Last night, the majority leader, Senator REID, filed a cloture motion which would ripen for a vote on tomorrow. Senator REID said he was saddened to have to file that motion. He also used a word we don't hear much when he said he was "flummoxed" by the need to file a cloture motion on bipartisan legislation that responds to what all of the experts in security in our country from the last administration and this one say is a critical threat to our secu-

rity, which is the lack of defenses in the cyber infrastructure that is owned by the private sector.

Senator REID was saddened, as I was, that he had to file for cloture because, of course, there can be disagreements about how to respond to this threat to our security and our prosperity. Hundreds of billions of dollars of American ingenuity and money have already been stolen by cyber thieves operating not only from within our country but, more often, from outside. So you can have differences of opinion about how to deal with the problem. But the fact that people started to introduce totally irrelevant amendments, such as the one to repeal ObamaCare—well, that is a debatable issue. We have debated it many times, as the House has, but not on this bill, which we urgently need to pass and send to the House and then go into conference and then, hopefully, pass something and send it to the President.

I was at a briefing with more than a dozen Members of the Senate, representing a wide bipartisan group and ideological group, with leaders of our security agencies—cyber security agencies, including the Department of Defense, Department of Homeland Security, FBI, NSA, and they could not have been clearer about the fact that this cyber threat is not a speculative threat. The fact is we are under attack over cyber space right now. In terms of economics, we have already lost an enormous amount of money. GEN Keith Alexander, Chief of U.S. Cyber Command, described the loss of industrial information and intellectual property, and just plain money, through cyber theft as "the greatest transfer of wealth in history." That is going on.

We are also under cyber attack by enemies who are probing the control systems, the cyber control systems that control not the mom-and-pop businesses at home, not the Internet systems over which so many of us shop these days, but the cyber systems that control the electric supply, that control all of our financial transactions, large and small, that control our transportation system, our telecommunication system—all the things we depend on to sustain our society and our individual lives. That is who we are talking about here.

It is the greatest transfer of wealth in history. But our enemies are already probing those private companies' cyber systems that control that kind of critical infrastructure I have described. There is some reason to believe that because of the vulnerability of those systems and lack of adequate defenses, they have already placed in them malware, bugs—whatever we want to call it. In the old days, we used to call it a sleeper cell of spies and, more recently, in terms of terrorism, a sleeper cell of terrorists.

Let me put it personally, without stating it definitively on the floor. I worry that enemies of the United States have already placed what I call

cyber sleeper cells in critical cyber control systems that control critical infrastructure in our country. Everybody will say that some companies that own critical infrastructure are doing a pretty good job of defending it and us, but some are not. That is one of the reasons this bill has occurred—to try to create a collaborative process where the private sector and the public sector can act together in the national interest.

The businesses themselves that control cyber infrastructure—God forbid there is a major cyber attack on the United States—are going to be enormous losers. They are going to be subject, under the current state of the law, to the kind of liability in court that may bring some of them down. It may end their corporate existence.

Mr. CARPER. Would the Senator yield for a question?

Mr. LIEBERMAN. I would be glad to yield to my friend from Delaware for a question. He is the cosponsor of our main bill, S. 3414.

Mr. CARPER. The message the Senator is conveying today is so important. I hope folks who are unsure about supporting our legislation are listening.

I was briefed earlier today by a large multinational company. One of its divisions is manufacturing, among other things, helicopters. Apparently, within the last 12 months, maybe even 6 months, the plans for developing and manufacturing one such helicopter were hacked and obtained by another nation—presumably the Chinese. So they will develop and will build their version of our helicopters. They won't be built by Americans. They will not provide American jobs. It will not provide revenues to that company or tax revenues to our Treasury; they will really be apprehended, if you will, by another nation. That is the reality of this theft.

So I was reminded just this morning of what the Senator is talking about, what General Alexander says is the largest economic threat in the history of our country, and it is taking place. I was reminded of that this morning, and I just wanted to share that with the Senator.

Mr. LIEBERMAN. I thank the Senator from Delaware very much. I think he crystallized the moment we are in.

I mentioned that Senator REID filed a cloture motion that will ripen tomorrow. Again, he did it in sadness, and I was sad he had to do it. This is an issue on which I had hoped we would overcome gridlock—special interest driven, ideologically driven, politically driven—but we couldn't do it, so the majority leader did exactly what he had to do, in my opinion, in the national security interest.

This does two things. One, as my colleagues know and I repeat just to remind them, we have a 1 p.m. deadline when any Member of the Senate can file a first-degree amendment to this bill. That is important to do. And I

want to say that the managers of the bill—Senator COLLINS' staff, the Republican cloakroom, my staff, the Democratic cloakroom—are going to be working on these amendments to see if we can begin to move toward a finite list so we can give some sense of certainty.

Senator REID has been very clear. He has not wanted to, to use an idiom of the Senate, fill the tree, which is to say limit amendments. He has wanted to have an open amendment process, which really ought to happen on a bill of this kind, but open for germane and relevant amendments, not amendments on repealing ObamaCare or, I say respectfully, on enacting more gun control. Those are both significant and substantial issues, but they are going to block this bill from passing if people insist on bringing them up here.

So the first and positive consequence of Senator REID's cloture motion—one we all signed—is to require that amendments people have been talking about filing have to come forward by 1 p.m., and bipartisan staffs will be working to winnow that down to a finite list.

Second, if we don't have an agreement on a finite list and we cannot vitiate the cloture vote for tomorrow, then Members of the Senate—every one, in their own heart and head—will have to make the decision as to whether to vote against taking up this bill while all the nonpolitical experts on our security—GEN Keith Alexander, Director of Cyber Command within the Pentagon, head of the National Security Agency, and one of the jewels and treasures of our government protecting our security, appealed to Senators REID and MCCONNELL in a letter yesterday stating that this legislation is critically necessary now.

This legislation will give our government and the private sector operators of critical cyber infrastructure powers they do not have now, authorities they do not have now to collaborate, to take action, to share information, to adopt what General Alexander in a wonderful phrase said is the best computer hygiene, the best cyber hygiene to protect our country.

So that is the question facing Members of the Senate in the face of that kind of statement of the urgency of some form of cyber security legislation in this session from the Director of Cyber Command, an honored, distinguished veteran of our uniformed military—U.S. Army in this case.

Are we going to find it hard to get 60 Members of the Senate to vote to take up this bill and debate it? I hope not. For me, it would be hard to explain—I will put it that way—why I would vote against it no matter what the controversy is.

I would say to my friend from Delaware, who has been involved, that I will yield to him if he wants to make a statement, but we have been working really hard with three groups: the group who sponsored S. 3414, the Cyber-

security Act of 2012; the group who sponsored SECURE IT, Senators HUTCHISON, CHAMBLISS, MCCAIN, et al.; and the third group, the bipartisan group that sprung up because of the urgency of this clear-and-present danger to America, led by Senator KYL and Senator WHITEHOUSE, who is also on the floor and really has played an important role in bringing the two sides—if I can put it that way—closer together. Frankly, there was a chasm that separated us at the outset. We have changed our bill. We have made it much more voluntary—carrots instead of sticks, as the Senator and I have said. But still there are differences, and I would just say shame on us if we can't bridge those differences on national security, of all topics.

So this is an important day to see if we can come together. Senator COLLINS and I are ready and willing to meet with the sponsors of the other bills—Senator KYL, Senator WHITEHOUSE—to see if we can come to some kind of agreement on critical parts of this legislation and to come up with a finite list we can support.

Just a final word. I wish to thank the majority leader, Senator REID. Senator REID has a tough job, and it is obviously battered by the political moment we are in, whenever we are in it. And of course this is a particularly political moment—partisan—because of the election season and the campaign we are in. But I have known HARRY REID for quite a while, and I have the greatest confidence and trust in him and an awful lot of affection. He is a personal friend. He got briefed about the cyber security threat more than a year ago, and he called me in and we talked about it. He said he was really worried, that we had to do something in this session of Congress to protect our security, and he has been steadfast in that belief and has refused to give up.

Senator REID filed the cloture motion to bring this to a head and hopefully to get to that finite list of amendments. And I think he is going to stretch, within the process and time, the great authority and power the majority leader has—some people say it may be the only power these days, but I think he has more because of his skills—in controlling the schedule. I think if there is a hope that we can bring a bill together and pass a cyber security bill, Senator REID is going to give us every opportunity to do that. So I wanted to put on the record my thanks to him for his own commitment to improving the cyber security of our country because he has listened to the experts and they have convinced him. This is rising to be a greater threat to America than any other threat we face today, and that is saying a lot, but I believe it.

I thank the Chair, and I yield the floor for my friend from Delaware.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. CARPER. Madam President, I am joined on the floor by Senator WHITEHOUSE, so we might take a moment

here with the chairman to have a little bit of a colloquy and then head off to another hearing.

While he is here, I wanted to say a special thank-you to Senator WHITEHOUSE for the work he and JON KYL, our colleague from Arizona, and CHRIS COONS, our colleague from Delaware, and others have done in really helping to put the meat on the bones, if you will, of our original legislation. And they have done great work. I really admire them, and I thank all of them.

Over at the other end of the Capital, they have spent a whole lot of time in recent weeks and months on the issue of Fast and Furious, and I wanted to mention that one of the reasons I think the American people are furious with us is we are not moving fast enough to deal with the economy and to create jobs. Yet government doesn't create jobs. Presidents don't create jobs. Governors don't create jobs. As a former Governor, I know this. Members of the Senate don't create jobs. We help create a nurturing environment for jobs and job creation. That includes a lot of things, such as a world-class workforce, access to capital, infrastructure, access to reasonably priced energy and reasonably priced health care. But it also includes, as we go forward in time, the assurance that if a company spends a lot of money—a lot of R&D and investments—and it comes up with a really good idea that has commercial application, that before it can even build that idea, create that idea, or sell that idea in this country and manufacture and sell it around the world, the idea is not going to be stolen—stolen—by someone from another country who will use that idea to make money on their own.

That introduces an uncertainty in this country we have never had to worry about before. We just have not had to worry about that before. But, as General Alexander has said and has been quoted here already today, the greatest economic thievery in our history is underway right now through cyber security. This is as much a jobs issue as it is a security issue. It is an economic security issue, and we have to be mindful of that.

I have spoken to some of our friends over at the chamber of commerce with whom we work on a variety of issues and said to them that we need their involvement and support. We need them to help us get through this. If they have good ideas, if they have read the legislation as it is redrawn and want to share those ideas with us today, Democrats and Republicans, that would be a huge help.

I hope everybody over at the chamber is watching today, and I hope they hear this request for them to be more involved in a constructive way. It is not so much that we need them in the Senate, we need them as a country, and the folks who are their members across the country need them to be involved as well.

This legislation started out as more of a command-and-control deal where

our Department of Homeland Security was going to say: These are our standards, and we expect companies and industries in critical areas to comply with these, and that is it.

That is an oversimplification of the original legislation, but we have moved so far away from that, it is amazing. We have moved from a command-and-control system to one where we say to critical industries, sensitive industries: Listen, you figure out amongst yourselves what the best practices and standards ought to be for protecting you and your businesses and your ideas. You figure it out, you share those ideas, develop those ideas, really, in a collaborative way with a council that includes the Department of Commerce, the Department of Justice, the Department of Defense, Homeland Security. And then, in an interim process, we refine those ideas, refine those best practices, and refine those standards, which would then be implemented. If companies don't want to comply with them, they do not have to. It is on a voluntary basis. If they do, there are rewards. If they do not, they do not participate in those rewards, including protection from liability.

Sometimes we get stuck on legislation, and we just say: This is it, and we are not going to change it. This is it, and we are not going to let you do that. But here we have changed this legislation dramatically and I think for the better. Some people say we changed it too much in order to get to "yes."

The last thing I would say before I yield to Senator WHITEHOUSE is that the legislation before us is not a Democratic idea, nor is it a Republican idea. This is not a conservative idea. This is not a liberal idea. This is a good idea, and this is an idea that has gotten better over time. This is an idea whose time has come. And we need to be mindful of the fury across our country. We need to move faster to take good ideas like this and make them better and to implement them.

With that, I yield to Senator WHITEHOUSE, and again a big thank-you for the great work he and Senators COONS and KYL have done, as usual.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, at this point I will speak, if I may, in the nature of a colloquy with the chairman and with the Senator from Delaware, but first let me thank the Senator from Delaware for his very kind remarks. Senator CARPER, as everybody knows in the Senate, is really a bellwether of bipartisanship, and he constantly seeks cooperation. So I appreciate very much his efforts to bring us together.

The chairman has been working very hard on these bills for many years, and the bill on the floor now is the product of considerable work in his committee—Homeland Security and Governmental Affairs Committee—considerable work in the Intelligence Committee, and considerable work in the

Commerce Committee primarily, although we in the Judiciary Committee have had some input as well. So while there has been no specific hearing on the assembled bill, because it covers so many committees, it has to be brought together at some point, and its components have had extensive committee work. So we have all put a lot of effort into this, and we have actually all come a very long way, I believe.

Our window is very short, and I hope and expect we can use the hours ahead of us literally to work to close this gap. But I believe the distance we have come, and particularly that last bit of distance, when the chairman changed S. 3414 to go from a traditional mandatory regulatory system to the new voluntary standards, really has moved us in enormous ways. We are almost on the 1 yard line now, and I believe it would be such a shame, with things being that close, if we couldn't close the deal.

I would like to ask the chairman to react to that assessment of our situation, and I would also like to ask him to react to one other point, which is that the House took action on cyber security but it only did so in the form of legislation on information sharing. All of our information—the letter yesterday from General Alexander and everything we have heard from our national security officials—is that is not enough.

We have two really important jobs. One is information sharing, and the other is defending America's privately owned critical infrastructure—our electric grids, our communications networks, our data-processing systems. Those are our great liability. Those are the things Secretary of Defense Pannetta was referring to when he said that the next Pearl Harbor we confront could very well be a cyber attack.

So are we as close as I think and is it important that the Senate do its job because the House simply failed to address the critical infrastructure part of our responsibilities?

Mr. LIEBERMAN. Again, I thank our friend from Rhode Island for the extraordinarily constructive role he has played—unusual here, unfortunately—in bringing the group of eight Members, four Democrats and four Republicans, together. Senator WHITEHOUSE, along with Senator KYL of Arizona, created a bridge that really invited Senators COLLINS, FEINSTEIN, ROCKEFELLER, CARPER, and me to come halfway across to change our bill from mandatory to voluntary.

So my answers to the Senator's two questions are yes and yes. We are a lot closer than we were really just a month ago—a matter of weeks ago. There is a remaining difference, and it is real. But considering where we have come from, if we show a willingness to compromise—and again, as I have said over and over, not a compromise of principle—that acknowledges that if everybody in the Senate insists on getting 100 percent of what they want on

a bill, nobody is going to get anything because nothing is going to pass. So we have come back from our 100 percent quite a lot, and we are still open to ideas that will enable us to achieve what we need to achieve here in improving our cyber security, which means changing where we are now.

That is why, as my friend from Rhode Island knows, we are going to keep meeting today with the other leading sponsors of the bill and with the peacemakers in between to see if we can find common ground and avoid what I think could be a very disappointing cloture vote—a very divisive, very destructive cloture vote—tomorrow.

The second point is a very important one; that is, the House has acted, but it has only acted with regard to information sharing. This is important, but it is only half the job. The information sharing, in brief, says that private companies that operate critical infrastructure can share with other private companies if they are attacked or as they begin to defend themselves so they mutually can strengthen each other. They can also share with the government, and the government, particularly through the Department of Homeland Security and the National Security Agency, can help the private sector strengthen itself. Those kinds of communications, which are critical and would seem natural, don't happen now in too many cases because the private sector is anxious about liability that it might incur. Even the public sector is limited in how much it can reach out or help. So it is important that the House has addressed that part of it.

I will say—and not just parenthetically—that there has been very significant concern of a lot of Americans and a quite remarkable coalition of groups—remarkable in the sense that it is right to left, along the ideological spectrum—about the personal privacy rights of the American people, that they not be compromised as a result of this information sharing.

Those privacy advocacy groups are not happy with the House information-sharing bill. I am pleased they have praised what we have tried to do as a result of negotiations with colleagues in this Chamber who are concerned about privacy. The point Senator WHITEHOUSE makes is so true, but that is only half the job. Everybody who cares about cyber security has said it.

There was, I must say, an encouraging, inspiring, for us, editorial in the New York Times today, supporting essentially S. 3414, the underlying bill, and crying out to us to take action and not get dragged down into gridlock by special interest thinking. But here is a statistic that jumped out at me. I saw it once before, but we have not heard it in this debate. In a Times editorial today entitled “Cybersecurity at Risk,” this sentence: “Last year, a survey of more than 9,000 executives in more than 130 countries by the

PricewaterhouseCoopers consulting firm found that only 13 percent of those polled had taken adequate defensive action against cyberthreats.”

That is worldwide. But I can tell you from what I know, the number in our country is not much better. That is why we need this set of standards, best practices, computer hygiene—no longer mandatory but we create an incentive. It is as if a company chooses to go into what my friend from Rhode Island has quite vividly described as Fort Cyber Security. We are going to build Fort Cyber Security of the best practices to defend cyber security, and we are going to leave it to the companies that operate critical infrastructure totally on their own whether they want to go into Fort Cyber Security. If they do, they will have some significant immunity from liability in the case of a major attack.

My answer to the Senator's questions are yes and yes. I just want to come back to something the Senator said at the outset of his remarks. I never know how much this argument weighs on Senators' minds, but once again it is being made here, which is this bill has received no hearings; it is not ready for action.

Good God. I went back and looked at the RECORD. I attended my first hearing on cyber security held in what was then the Governmental Affairs Committee—it is now the Homeland Security and Governmental Affairs Committee—chaired then by Senator Fred Thompson in 1998, 14 years ago. I can tell my colleague that in recent years, Senator COLLINS and I have held 10 hearings on the subject of cyber security. That is only in our committee. That is not counting judiciary, intelligence, commerce—I think foreign relations may have held some hearings on it too. In fact, we held a hearing just earlier this year. I believe it was March, on cyber security and the legislation that we knew we were going to bring forward. This has been heard.

I wish to say this too. I mentioned Senator REID's commitment to doing something about cyber security. Last year—I am trying to think, but I cannot remember a time on another bill where I saw this happen—Senator REID asked the Republican leader, Senator MCCONNELL, to join him in calling in the Democratic chairs and the ranking Republican members of all the relevant committees, relevant to cyber security that we just talked about, and made an appeal that we work together to bring one bill which he would then, as he has done before when a subject covers more than one committee, blend into a single bill and bring to the floor under majority leader's authority pursuant to rule XIV of the Senate rules, which he has done today.

So there has not been a specific hearing on this bill, but Lord knows there have been a lot of hearings and this bill has been vetted and negotiated not only with many Members of the Senate but by our committee and all the other

committees—by stakeholders, private stakeholders, by some of the very businesses and business organizations that now seem to be the main block to moving forward on the bill.

I probably responded to my friend at greater length than I might have or perhaps more than he expected, but his questions were right on target, and I thank him for giving me the opportunity.

Mr. WHITEHOUSE. Will the Senator yield for another question?

Mr. LIEBERMAN. Yes.

Mr. WHITEHOUSE. I mentioned, to use the Senator's words, it was important to help the private sector strengthen itself. Some of the debate that has surrounded this bill has suggested that if we just get the heavy hand of government out of the way and let the nimble private sector do its thing to protect critical infrastructure, all will be well, and that a purely private sector way of proceeding is the best way to proceed.

In that context, the Senator mentioned the study that showed that only 13 percent of the private businesses that were reviewed were adequately cyber security prepared. The NCIJTF, which is the FBI-led joint task force that protects our national cyber infrastructure, has said that when they detect a cyber attack and they go out to work with the corporation that has been attacked, 9 out of 10 times the corporation had no idea. It is not just a government agency, the NCIJTF, saying that, there is a company called Mandiant which is sort of “Who are you going to call? Ghost Busters.” When someone is hit, they come in and help the companies clean up. They say the same thing: Out of 10 times, these companies had to find out that they had been penetrated from a government agency telling them, “By the way, you have been hacked. They are in there.”

In fact, he said 48 out of the last 50 companies they dealt with had no idea. The Aurora virus hit 300 American companies, and only three of them knew it. The chamber of commerce, which is very active in this debate, had Chinese hackers with complete impunity throughout its cyber systems without knowing about it for at least 6 months. It was only when the government said, “By the way, guys, your info was on a server in China,” that they realized, “Oh, my gosh; we have been hacked too.”

Then the Senator has used the statistic I have used before—that General Alexander, who is head of Cyber Command, has adopted—which is that America is now on the losing end of the biggest transfer of wealth in history through illicit means as a result of cyber industrial espionage—stealing from us our chemical formulas, our manufacturing processes, and various things that create value in the country.

So I am not just pinpointing individual examples. If we look at it from

a macro point of view, we are getting our clocks cleaned in this area. The private sector, it seems to me all of the evidence suggests, is an area in which it is not adequately protecting itself without a government role to spur cooperation and to set an agreed standard that NSA and the people who are watching this with real anxiety every day know is an adequate standard to meet the needs.

If the Senator from Connecticut would respond, I would be grateful.

Mr. LIEBERMAN. Basically, I would say I agree. There is not much I could add to that. This is not legislation that is a solution in search of a problem. This is a real problem. Again, we are hearing it from all the cyber security experts.

If the private sector owners of critical cyber infrastructure—electric power grids, telecommunications, finance, water dams, et cetera—if they were taking enough defensive action, we wouldn't want to act, but they are not. And we understand why. We have talked about this. A lot of the CIOs—chief information officers—in companies get frustrated that their CEOs don't want to devote enough time and resources to beefing up their cyber defenses.

The Senator said something very important, which is cyber theft and cyber attack is so insidious that a lot of people and companies who are victims of cyber attack don't even know it. My great fear is that there is a lot of malware or bugs—I called it cyber cells earlier—planted in some of our critical cyber control systems in our country waiting for the moment when an enemy wants to attack us.

Senator REID yesterday pointed to the terrible tragedy in India where the power system has gone out. There is no evidence there was a cyber attack, but I saw today that 600 million people are without electricity. It has had a terrible effect on quality of life, on the economy, et cetera. Unfortunately, this is what an enemy who is capable today could do to us, and they are out there.

Mr. WHITEHOUSE. The only reasonable conclusion one could draw is that it would be prudent to view, with some caution and some skepticism, the claims of folks who are hacked and penetrated at will—and who often usually don't even know it—that: Don't worry. Trust us. We can take care of this. Everything is fine.

Mr. LIEBERMAN. I thank my friend. And, of course, I agree. That is why we are legislating—but we are trying to legislate as minimally as we possibly can—to begin to solve this problem.

I yield the floor. The Senator from Maryland is here. The Senator from North Dakota is here.

Mr. HOEVEN. I thank the Senator. I certainly want to accommodate the schedule.

Mr. LIEBERMAN. In the order of fairness, we yield to my friend from North Dakota.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ENERGY

Mr. HOEVEN. Madam President, I rise to speak as if in morning business on the subject of energy.

I commend my colleagues for their excellent work on cyber. I look forward to working with them, and I thank them for the incredible amount of work and diligence they are putting into this extremely important effort. I rise this morning to speak on the incredible importance of energy security for our country.

Last week I introduced the Domestic Energy and Jobs Act along with 30 sponsors on the legislation. It is a comprehensive plan for energy security for our country. When I say energy security, what I mean is producing more energy than we consume; getting our Nation to energy security by not only producing enough energy for our needs, but even beyond that. It is absolutely doable. There is no question we can do it.

It is about pursuing an all-of-the-above strategy, and I mean truly pursuing an all-of-the-above strategy; not saying it and then picking certain types of energy we want and don't want but, instead, creating a climate and a national comprehensive energy policy that truly empowers private investment to develop all of our energy resources and all types of energy.

The Domestic Energy and Jobs Act is actually a package of energy bills. Many of these have already passed the House, and we have introduced them now in the Senate as well—13 separate pieces of legislation pulled together into this energy package, with energy leaders from both the House and the Senate. It clearly demonstrates that we have a strategy, we have a comprehensive energy plan to move our country, and it is ready to go.

If we look at the situation right now, there are hundreds of billions of dollars of private investment, of capital that would be invested in energy projects in this country, but they are being held up. These projects are being held on the sidelines because of the inability to be permitted or because of burdensome regulation. We need to create the kind of approach, the kind of business climate, the kind of energy policy that will unleash that private investment. That is exactly what this legislation does.

First, it reduces the regulatory burden so these stalled energy projects—again, hundreds of billions of dollars in private investment, not government spending but in private investment—that would move forward with energy projects that would not only develop more energy more cost effectively and more dependably, but also with better environmental stewardship, deploying the latest, greatest technology that would produce the energy, and do it with better environmental stewardship—not only for this country but actually leading the world to more en-

ergy production with better environmental stewardship.

But these projects are held up either because they can't get permitted or because they can't get through the regulatory redtape to get started and get going. This legislation cuts through that.

It also helps us develop the vital infrastructure we need for energy development. A great example is the Keystone XL Pipeline, a \$7 billion 1,700-mile pipeline that would move oil from Canada to our refineries in the United States, but that would also move oil from my home State—100,000 barrels a day for starters—to refineries. We need that vital infrastructure. That is just one example.

This legislation also develops our resources on public lands as well as private lands. So we are talking about expedited permitting both onshore and offshore, on private lands and on public lands, including for renewables. It sets realistic goals. It sets a market-based approach that would truly foster all of our energy resources rather than picking winners and losers. It would also put a freeze and require a study of rules that are driving up gasoline prices that are hitting families and businesses across this country. And it includes legislation that Senator MURKOWSKI of Alaska has added to our package that would require an inventory of critical minerals in the United States and set policies to develop them as a key part of developing a comprehensive energy approach and a comprehensive energy plan for our country.

So what is the impact? The U.S. Chamber of Commerce in March of last year put forward a report. In that report they showed there are more than 350 energy projects nationwide that are being held up either due to inability to get permitted or regulatory burden, as I have described—more than 350 projects—that if we could just greenlight these projects, they would generate \$1.1 trillion in gross domestic product and create 1.9 million jobs a year just in the construction phase.

So this legislation truly is about energy—more energy, better technology, and better environmental stewardship. But it is also very much about creating jobs—creating jobs at a time when we have more than 8.2 percent unemployment, more than 13 million people out of work and looking for work. This will create an incredible number of jobs. It is about creating economic growth.

Look at our debt and our deficit. Our debt is now approaching \$16 trillion. We need to get this economy going and growing to reduce that deficit and reduce that debt along with controlling our spending. But we need economic growth to get on top of that debt and deficit. As I described, just the 350 projects alone and \$1.1 trillion in GDP to help create that economic growth, to put people to work, and help reduce our deficit and our debt.

Let's talk about national security. The reality is with the kind of approach I am putting forward in the

United States and working together with our closest friend and ally Canada, we can get to energy security without a doubt in 5 to 7 years. That means producing more energy than we consume within 5 to 7 years. Think how important that is.

Look what is going on in the Middle East. Look what is going on in Syria. What is going to happen there? Look at what is going on in Iran and their efforts to pursue a nuclear weapon and what is going to happen with the Strait of Hormuz. An incredible amount of oil goes through that area. Look at what is happening in Egypt with the Muslim Brotherhood. Do we really want to be dependent on the Middle East for our oil?

I think the American people have said very clearly no, and we don't have to be. We just need the right approach to make it happen right here and to work with our closest friend and ally, Canada.

The reality is developing our energy resources is an incredible opportunity, and we need to seize it right now, with both hands. We can do it. That is exactly the plan we are putting forward.

Earlier this year we passed legislation through the House and through the Senate in conjunction with the payroll tax credit legislation. Attached to it we required the President to make a decision on the Keystone XL Pipeline. He chose to turn it down. Shortly after that, the Prime Minister of Canada, Stephen Harper, went to China. He met with Chairman Wu and China's energy leaders, and he signed a memorandum of agreement. That memorandum of agreement between China and Canada called for more economic cooperation and more energy development, with China working in conjunction with Canada.

Just last week, CNOOC—one of China's largest government-controlled companies—made a \$15 billion tender offer for the Nexen Oil Company, a large oil company in Canada, to purchase their interests in the Canadian oil sands. It also includes mineral interests offshore, lease interests offshore of the United States in the gulf region, as well as in the North Sea area. But primarily it is an acquisition by the Chinese of huge amounts of tracts in the oil sands in Canada.

So just what we said: If we don't work with Canada on projects such as the Keystone XL Pipeline, the oil that is produced in Canada, instead of going to the United States will go to China or Americans will be put in the position of buying Canadian oil from the Chinese because of a failure to act on key projects such as the Keystone XL Pipeline because we are not acting on the kind of energy policy we are putting forward right here.

Ask the American people what they want. What they want is that we move forward with the energy package we put forward, and we need to do it. If we check gas prices, they are now back up to \$3.50 a gallon national average.

When the current administration took office, it was \$1.85 national average per gallon. That is a 90-percent increase. What ramifications does that have for our economy? What ramifications does that have for small businesses? What ramifications does that have for hard-working American families? I think we all know the answer to that.

The time to move forward is now. It couldn't be more clear. We control our own destiny. We need to take action. We need to move forward on the kind of energy plans that truly benefit our people and our country. I call on my colleagues to join me in this effort.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I come to the floor today to talk about cyber security, the pending Lieberman-Collins bill, and the need to act—and the need to act before we adjourn for the August break.

I come today to the floor as I did when I spoke yesterday. I don't come as a Democrat, I come as an American. If ever there was an issue where we have to forget if we are red States or blue States, it is this issue.

I am going to stop my remarks. I note the Senator from Arizona is on the Senate floor, and I know he was scheduled to speak at 12:45. I was scheduled to speak at 11:30. I have about 10 minutes. I just want to acknowledge where we are.

So resuming my comments, Madam President, what I wanted to say is this: This is when we have to forget we are red States or blue States, we have to forget what we have on our bumper stickers, and we have to come together and not be the red State party or the blue State party but to be the red, white, and blue party for the United States of America. We must put aside partisan differences and ideological viewpoints. We need to act, and we need to act in the defense of the United States of America.

The Senate has a great opportunity today and tomorrow to pass legislation to protect, defend, and deter a cyber attack on the critical infrastructure of the United States of America.

What do I mean by critical infrastructure? It is our electrical power grid, our financial services, our water supplies. It is those things that are the bread and butter of keeping America, its businesses, and its families going. Through voluntary participation, we can work with the private sector that owns and operates the critical infrastructure to keep our critical infrastructure hardened and resilient against attack.

I worry about the possibility of an attack. We know there are already attacks going on, particularly in our financial services. We know our personal identities are being hacked, and we know small business is being attacked. I will give examples later on. Not only do I worry about an attack, I equally worry about our inertia, where we do nothing.

I bring to the attention of the Senate and all those watching that Leon Panetta, the Secretary of Defense, called our cyber vulnerability our potential digital Pearl Harbor. The Presiding Officer is from New York. We don't want a cyber 9/11. We can act now. We can act when it is in our power to protect, defend, and deter these attacks. That is what I want. I want us to have a sense of urgency. I want us to go to the edge of our chair. I want us to put our best thinking on to be able to do the kind of job we need to do to find a sensible center on how we can do that.

Right now our adversaries are watching us. We are debating on how we will protect America from cyber attacks, and it looks like we are doing nothing. When all is said and done, more gets said than gets done. Our adversaries don't have to spy on us. They can look at the Senate floor and say: What the heck are they doing? What are they going to do? They are going to look at us and say: There they go again.

We know our own inability to pass legislation, our own partisan gridlock and deadlock works for our predatory enemies in a positive way. They are saying, well, our first line of attack is for them to do nothing. They are thinking how they can make sure the critical infrastructure is vulnerable. How can they weaken the critical infrastructure? One way is by not passing legislation and putting in those hardened, resilient ways to protect, defend, and deter. Our adversaries are laughing right this minute. They just have to watch us. Well, this is no laughing matter.

What is the intent of a cyber attack? What is the intent? Is it the same intent as a nuclear attack? Is it the same attempt as flying into the World Trade Center? It is all the same. It is to create chaos, it is to create civil instability, and it is to create economic catastrophe that makes 9/11 look minuscule.

Just think about a cyber attack in which our grid goes down. Think of a blackout in New York. Think of a blackout in Baltimore. Remember when we did the cyber exercise here where it showed what would happen? The stop lights go down, the lights go out in the hospitals, the respirators go off, business shuts down, commerce shuts down, 9-1-1 shuts down, America is shut down, and we will be powerless and impotent to put it back on in any quick and expeditious manner.

Right now we are in the situation where we have an early missile detection. We know the cyber attack will come. We need to do something. With this cyber attack, think of the chaos of no electricity. Just think of it. We have all lived through blackouts, and we had a terrible freak storm here a few weeks ago. No matter how late Pepco, BG&E, and Dominion was in responding, they can get the electricity back on. What happens if they can't get the electricity back on? What happens if they can't get it back on for

weeks or longer? There we are powerless, impotent, and the President of the United States is wondering what to do.

Remember, the attack is to humiliate, intimidate, and cripple: humiliate by making us look powerless, intimidate by showing there is this power over us, and to cripple our functioning as a society. I find it chilling.

We saw an attack on a little country called Estonia. That is how I got into this. I was sitting on the Intelligence Committee—I can say it now because it has been more than 5 years ago—and it was brought to my attention that Estonia—a brave little country that resisted communism, challenged the Soviet Union, and is now a part of NATO—was being attacked. The electricity was going off around Estonia. We thought, from the Intelligence Committee, it would be the first cyber attack on a NATO nation, and we were going to trigger the NATO Charter article V that an attack on one is an attack on all.

Thanks to the United States of America and our British allies, we had the technical know-how to go in and help them. Who is going to have the technical know-how to help us? We have the technical know-how right now to make our critical infrastructure hardened and resilient. We shouldn't harden our positions so we can't get to a resilient critical infrastructure.

I could go on with examples. I know my colleague from Arizona wants to come to the floor, but I just want to say one more thing. I have been involved in this from not only my work on the Intelligence Committee, but we fund the Justice Department through the Appropriations Committee, and they are very involved and hands on with the policy issues around the FBI.

Now, if Director Mueller were here, he would say the FBI currently has 7,600 pending bank robbery cases. Guess what. He has 9,000 pending cyber banking attacks. There are more cyber heists than there are regular heists. That doesn't make it right.

Now, is a cyber attack coming? Is it something out of Buck Rogers or Betty Rogers or the cyber Betty Crocker cookbook or whatever? The NASDAQ, as the gentleday from New York knows, the NASDAQ and New York Stock Exchange has already been attacked. Hackers repeatedly penetrated the computer networks at the NASDAQ stock market. The New York Stock Exchange has been the target of cyber attacks. That sounds so vague but, remember, successful attempts to shut down or steal our information are going on every day.

Madam Chair, do you remember in 2010 the Dow Jones plunged 1,000 points because of a flash crash? That was a result of turbulent trading. That can be manipulated by cyber, and it could happen several times a week. What are we going to do?

Our banking industry clears \$7 trillion worth of financial goods, products, and actual real money every day.

Imagine what would happen if that was thrown into turmoil or shut down. I don't want to go through grim example after grim example, but let me say this: Good people in this body have been working on both sides of the aisle.

We are close, and I urge my colleagues now: Let's either vote for cloture or come to a regular agreement to be able to offer amendments. For those who worry about the costs, for those who worry about regulation, for those who worry about homeland security, I understand that. That is why I would be willing to sunset the bill so we can always look ahead and reevaluate this. I want everyone to know if a cyber attack comes and happens to the United States and we have failed to act, we will overreact, we will overregulate, and we will overspend.

Why do I have a sense of urgency right now? Let me say this: When we adjourn tomorrow for the August break, we don't come back until September 10. We will go out somewhere around October 1. That means if we don't act by tomorrow or Friday, we will essentially only have about 14 working days in September to do this. Well, we can't let this go.

I conclude my remarks by saying this: To my colleagues on both sides of the aisle, let's be the red, white, and blue party. Let's come to the middle ground. Let's do what we need to do to protect and defend the United States of America. There are good people who have been working on this. Some have extraordinary national security credentials. Let's put our best heads together and come up with the best amendments. Let's come up with the best protections of the United States of America, and let's do it by tomorrow night.

God bless America. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, I ask to engage in a colloquy with the Senator from Georgia, Mr. CHAMBLISS, the Senator from South Carolina, Mr. LINDSEY GRAHAM, and if he wants to, the Senator from Indiana, Mr. COATS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, before I go to the issue we want to discuss, I want to point out in this debate that has become so impassioned that the issue of cyber security is one of transcendent importance, and I want to again reiterate my respect, appreciation, and affection for both Senator LIEBERMAN and Senator COLLINS.

I also point out to my colleagues that the people who are directly affected by this—and that is the business community of the United States of America—are unalterably opposed to the legislation in its present form. They are the ones who will be affected most dramatically by cyber security legislation. The U.S. Chamber of Commerce, which represents 3 million businesses and organizations of every size,

sector, and region, has a strong letter which supports the legislation we have proposed.

I finally would just like to say that I have had hours and hours of meetings with my colleagues on both sides of the aisle trying to work this out. I believe we can work this out. We understand that cyber security is important and of transcendent importance. But to somehow allege that the business community, the 3 million businesses in America, should be left out of this discussion, of course, is not appropriate nor do I believe it will result in effective cyber security legislation.

NATIONAL SECURITY LEAKS

I really came to the floor today to talk about the issue of the leaks, the leaks which have directly jeopardized America's national security. At the Aspen Security Forum, just in the last few days, the head of Special Operations Command, Admiral McRaven, observed that the recent national security leaks have put lives at risk and may ultimately cost America its lives unless there is an effective crackdown. Admiral McRaven, the head of our Special Operations Command said:

We need to do the best we can to clamp down because sooner or later it is going to cost people their lives or it is going to cost us our national security.

This is another national security issue, my friends, and I appreciate very much the fact that Governor Romney rightly referred to these leaks as contemptible and a betrayal of our national interests.

I wish to point out to my colleagues that, yes, there are supposedly investigations going on and, according to media, hundreds of people are being interviewed. Well, I am no lawyer. I am no prosecutor. Senator GRAHAM may have some experience in that. But what about the 2009 G20 economic summit when, according to the New York Times journalist David Sanger, "a senior official in the National Security Council" tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying and where "most of the rest of the national security staff was present." There the journalist was allowed to review satellite images and other evidence that confirmed the existence of a secret nuclear site in Iran.

I wonder how many people have the key to the Presidential suite in that Pittsburgh, PA hotel? We might want to start there. Instead, we have two prosecutors, one of whom was a strong and great supporter of the President of the United States. And the same people—I am talking about the Vice President of the United States and others—who strongly supported a special counsel in the case of Valerie Plame and, of course, the Abramoff case. We need a special counsel to find out who was responsible for these leaks.

I ask my colleague Senator GRAHAM if he has additional comments on this issue. It has receded somewhat in the

media, but the damage that has been done to our national security is significant. It has put lives at risk, and it has betrayed our allies. This is an issue we cannot let go away until those who are responsible are held accountable for these actions.

Mr. GRAHAM. Madam President, my comment, in response to the question Senator MCCAIN has, is what we do today becomes precedent for tomorrow. So are we going to sit on the sidelines here and allow the Attorney General—who is under siege by our colleagues in the House about the way he has handled Fast and Furious and other matters—to appoint two U.S. attorneys who have to answer to him to investigate allegations against the very White House that appointed him? The reason so many Democrats wrote to President Bush and said, You cannot possibly investigate the Scooter Libby-Valerie Plame leak because it involves people very close to you—well, let's read some of the letters. BIDEN, DASCHLE, SCHUMER, and LEVIN letter to President Bush, October 9, 2003:

We are at risk of seeing this investigation so compromised that those responsible for this national security breach will never be identified and prosecuted. Public confidence in the integrity of this investigation would be substantially bolstered by the appointment of a special counsel.

Senator BIDEN:

I think they should appoint a special prosecutor, but if they're not going to do that, which I suspect they're not, is get the information out as quick as they possibly can. This is not a minor thing . . . There's been a federal crime committed. The question is who did it? And the President should do everything in his power to demonstrate that there's an urgency to find that out.

Then he goes on later and says:

There's been a federal crime committed. You can't possibly investigate yourself because people close to you are involved.

In the Abramoff scandal, which involved Jack Abramoff, a person very close to House leadership and some people in the Bush administration, and our Democratic colleagues, 34 of them, said the following:

FBI officials have said that the Abramoff investigation "involves systematic corruption within the highest levels of government." Such an assertion indicates extraordinary circumstances and it is in the public interest that you act under your existing statutory authority to appoint a special counsel.

So our Democratic colleagues back during the Bush administration said, We don't trust you enough to investigate compromising national security by having an agent outed allegedly by members of your administration. We don't trust the Republican Party apparatus enough to investigate Jack Abramoff, because you are so close to him, and you should have a special counsel appointed.

Well, guess what. They did.

Here is what I am saying. I don't trust this White House to investigate themselves. I think this reeks of a coverup. I think the highest levels of

this government surrounding the President, intentionally, over a 45-day period, leaked various stories regarding our national security programs, to make the administration look strong on national security. I don't think it is an accident that we are reading in the paper about efforts by the administration and our allies to use cyber attacks against the Iranian nuclear program as a way to try to head Israel off from using military force. I don't know if it happened, but the details surrounding the cooperation between us and Israel and how we engaged in cyber attacks against the Iranian nuclear program are chilling and something we should not read about in the paper.

The second thing we read about in the paper was how we disrupted the underwear bomber plot where there was a double agent who had infiltrated an al-Qaida cell, I believe it was in Yemen, and how we were able to break that up; and the man was given a suicide vest that was new technology and couldn't be detected by the current screening devices at the airports, and how we were able to basically infiltrate that cell, and God knows the damage done to our allies and that operation.

Mr. MCCAIN. Could I ask my friend, isn't it also true that this individual had some 23 family members whose lives were also placed in danger because of the revelation of his identity?

Mr. GRAHAM. That is what we have been told in the paper.

We also have a story about the kill list—a blow-by-blow description of how President Obama personally oversees who gets killed by drones in Pakistan, and at the end of the day, I am not so sure that is something we should all be reading about.

But if that is not enough, what about releasing the Pakistani doctor—the person who allegedly helped us find bin Laden, and his role in this effort to find bin Laden is also in the paper, and now he is in jail in Pakistan.

The sum total is that the leaks have been devastating. They have put people's lives at risk. They have compromised our national security, unlike anything I have seen, and people expect us to sit on the sidelines and let the White House investigate itself? No way.

Those who wrote letters in the past suggesting that Bush could not impartially investigate himself, where are they today? Is this the rule: We can't trust Republicans, but we can trust Democratic administrations to get to the bottom of things they are involved in up to their eyebrows?

Do we think it is an accident that all of these books quote senior White House officials? There is a review of one of the books the Senator from Arizona mentioned that talked about the unprecedented access to the National Security Adviser. There is a vignette in one of the books where the Secretary of Defense goes up to the National Security Adviser and suggests a new communications strategy when it comes to

the programs we are talking about: Shut the F up. Well, that makes great reading, but at the end of the day, should we be reading about all this? People's lives are at stake. Programs have been compromised. Our allies are very reluctant now to do business with us.

This was, in my view, an intentional effort by people at the highest level in the White House to leak these stories for political purposes. And to accept that Eric Holder is going to appoint two people within his sphere of influence and call it a day is acceptable. That is not going to happen. We are going to do everything we can to right this ship, and we are asking no more of our Democratic colleagues than they asked of the Bush administration.

To our Democratic colleagues: How do you justify this? How do you justify that you couldn't investigate Abramoff without a special counsel and you couldn't investigate what Scooter Libby may or may not have done without a special counsel, but it is OK not to have one here? How do you do that?

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Illinois.

Mr. DURBIN. The Senator asked whether this side would like to explain our position. I would be happy to do it at this point, but I can wait until my colleagues finish their colloquy, so it is their choice.

Mr. GRAHAM. Whatever the Senator from Illinois wishes to do, I am dying to hear how my Democratic colleagues think it is good government not to have a special independent counsel investigate the most damaging national security leak in decades. I am dying to hear the explanation.

Mr. DURBIN. There is no need to die. I hope the Senator from South Carolina will continue living a good life because he is such a great Senator. But I am asking if my colleague wants me to join in this dialogue or would he rather make his presentation?

Mr. GRAHAM. Well, I tell you what. Why don't we let my colleague speak, and then the Senator from Illinois will have all the time he needs. What does my colleague, the Senator from Georgia, Mr. CHAMBLISS, think?

Mr. CHAMBLISS. Well, I am dying to hear his explanation too, let me say that.

First of all, let me say that I join in with everything my two colleagues have said with respect to, No. 1, the volume of the leaks that have come out in recent weeks. We all know this town has a tendency to leak information from time to time, but never in the volume and never with the sensitivity of the leaks we have read about on the front page of newspapers around the country as we have seen in the last few weeks.

Irrespective of where they came from, to have folks who may be implicated in the White House, and the

White House appointing the two individuals who have been charged with the duty of prosecuting this investigation, reeks of ethical issues. I don't know these two U.S. attorneys, but everything I know about them is they are dadgum good prosecutors and they are good lawyers. But why would we even put them in the position of having to investigate in effect the individual who appointed them to the position they are in? That is why we are arguing that a special counsel is, without question, the best way to go. I am interested to hear the response from my friend from Illinois to that issue.

Let me talk about something else for a minute, and that is the impact these leaks have had on the intelligence community. The No. 1 thing that individuals who go on the intelligence committees in both the House and the Senate are told—and I know because I have served on both of them and continue to serve on the Senate Intelligence Committee—is to be careful what you say. Be careful and make sure you don't inadvertently—and obviously advertently—reveal classified information. Be sure that in your comments you never reveal sources and methods.

Well, guess what. The individuals who were involved in these leaks were very overt in the release of sources and methods with respect to the issues Senator GRAHAM referred to as having been leaked. Not only that, but lives were put in danger, particularly the life of the individual who was an asset who worked very closely with respect to the underwear bomber issue. We know that to be a fact.

But there is also a secondary issue, and that is this: We have partners around the world we deal with in the intelligence community every single day, and we depend on those partners and they depend on us to provide them with information we have and likewise that they give to us. A classic example was detailed of one of these particular leaks on the front page of the New York Times. Today why in the world would any of our partners in the intelligence community around the world—those partners who have men and women on the front lines who are putting their life in harm's way and in danger every single day to gather intelligence information and share that information with us—why would they continue to do that if they are now concerned about that information being written about on the front page of newspapers inside the United States and blasted all over television or wherever it may be?

The answer is pretty simple. Very honestly, there are some strong considerations being given by some of our partners as to how much information they should share with us. That creates a very negative atmosphere within the intelligence world.

Lastly, let me say that we dealt in the Intelligence Committee with our authorization bill recently in which we

have tried to address this issue from a punishment standpoint.

There are certain things that individuals are required to do when they leave the intelligence community and go write a book. One of those things is they have to present their book to an independent panel of intelligence experts, and that panel is to review the information and then decide whether any of it is classified and shall not be released. In one of the instances we have, one of those individuals never submitted his book to that panel. In another instance, an individual submitted his book to the panel, and the panel said: You need to be careful in these areas. And the advice from that panel was pretty well disregarded.

One of the provisions in our bill says if someone does that, if someone fails to submit their book to that panel, or if they disregard what that panel tells them to do, then they are going to be subject to penalties. Part of those penalties include the possible removal of their right to a pension from the Federal Government—the portion the government is obligated to pay them, not what they have contributed.

Our intelligence bill is being criticized by some individuals out there. And guess who it is? It is the media and it is the White House. What does that tell you about their fear and their participation in the release of classified information?

So this issue is of critical importance. It simply has to stop for any number of national security reasons, but the ones that have been addressed by my colleagues obviously are to be highlighted. I look forward to whatever comments the Senator from Illinois may have with respect to justifying—I know he is not going to justify the leaks because I know him too well, but whatever his justification is for proceeding in a prosecution manner the way the Department of Justice is going versus what the Bush administration did and appointing a special counsel in a case that, by the way, pales in comparison to the leaks that took place in this particular instance.

Mr. MCCAIN. Mr. President, before we turn to our friend from Illinois for his, I am sure, convincing explanation as to why a special counsel is not required, even though it was, in the opinion of his side, in a previous situation, I want to just, again—and the Senator from Georgia and the Senator from South Carolina will also corroborate the fact that we have been working and working, having meeting after meeting after meeting, on the issue of cyber security.

We believe we have narrowed it down to three or four differences that could be worked out over time. Among them is liability. Another one is information sharing. But I think it is also important for us to recognize in this debate the people who are most directly affected in many respects are the business communities, and it is important that we have the input and satisfy, at

least to a significant degree, those concerns.

There are those who allege that a piece of legislation is better than no legislation. I have been around this town for a long time. I have seen bad legislation which is far worse than no legislation. So we understand certainly—I and members of the Armed Services Committee and others understand—the importance of this issue.

We also understand that those who are directly affected by it—those concerns need to be satisfied as well. I commit to my colleagues to continue nonstop rounds of meetings and discussions to try to get this issue resolved. To this moment, there are still significant differences.

I say to my friend from Illinois, I look forward to hearing his convincing discussion.

I thank the Senator and yield the floor.

Mr. President, I ask unanimous consent that the Senator from Illinois be involved in the colloquy.

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

Mr. DURBIN. I did not know if the Senator wanted to make his unanimous consent request that he came to the floor to make.

Mr. MCCAIN. No.

Mr. DURBIN. The Senator is not going to make it?

Mr. MCCAIN. No. The Senator will object.

Mr. DURBIN. Yes, I will.

Mr. President, I want to thank my colleague from Arizona. Occasionally, historically, on the floor of the Senate there is a debate, and this may be one of those moments. I hope it is because it is a worthy topic.

Let's get down to the bottom line. I have served on the Intelligence Committee, as some of my colleagues have. We know the important work done by the intelligence community to keep America safe. They literally risk their lives every day for us, and they are largely invisible. We do not see them at the military parades and other places where we acknowledge those warriors who risk their lives, but these men and women do it in so many different ways.

When I spent 4 years on the Senate Intelligence Committee—and my colleagues, I am sure, feel the same—I went out of my way to make sure I was careful with classified information so as to continue to protect this country and never endanger those who were helping us keep it safe all around the world.

So the obvious question raised by the Republican side of the of the aisle is whether this President, President Barack Obama, thinks differently; whether President Obama believes we should cut corners and not be so careful when it comes to the leaking of classified information.

My answer to that is look at the record. Look at the record and ask this basic question: When it comes to prosecuting those believed to have been

guilty of leaks of classified information, which President of the United States has prosecuted more suspected individuals than any other President, Democrat or Republican? Barack Obama.

On six different occasions—five in the Department of Justice and one in the Department of Defense—they pursued the active prosecution of those they believed were guilty of leaking classified information that might endanger the United States.

Let me add another personal observation. It was last year when my friend Bill Daley, then-Chief of Staff to President Obama, came to Chicago for a luncheon. It was a nice day. We had a nice luncheon. It was very successful. He said he had to get back to Washington. He was in a big hurry. He never said why. He told me later—he told me much later—after this occurred: I had to get back because we had a classified meeting about hunting down Osama bin Laden. We were sworn to secrecy at every level of government so that we never, ever disclosed information that we were even thinking about that possibility.

Bill Daley took it seriously. The President takes it seriously. Anyone in those positions of power will take it seriously. To suggest otherwise on the floor of the Senate is just plain wrong, and it raises a question about this President's commitment to the Nation, which I think is improper and cannot be backed up with the evidence.

Now, let's look at the evidence when it comes to the appointment of a special prosecutor. Let me take you back to those moments when a special prosecutor named Patrick Fitzgerald from the Northern District of Illinois was chosen to investigate the leak of classified formation.

Let me put it in historical context. We had invaded Iraq. We did it based on assertions by the Bush-Cheney administration about the danger to the United States. One of those assertions dealt with Africa and certain yellow cake chemicals that might be used for nuclear weapons and whether they were going to fall into the hands of the Iraqi leadership.

It was one of the arguments—there were many: weapons of mass destruction, and so forth, that turned out to be totally false—leading us into a war which has cost us dearly in terms of human lives and our own treasure.

So one person spoke out. Former Ambassador Joe Wilson, who identified himself as a Republican, said: I do not believe there is any evidence to back up the assertion about the yellow cake coming out of Africa.

Well, he was punished. Do you remember how he was punished? He was punished when someone decided to out his wife Valerie Plame. Valerie Plame had served as an intelligence agent for the United States to protect our Nation, and someone decided that in order to get even with Joe Wilson they would disclose the fact that his wife worked in the intelligence agencies.

Then what happened? If you will remember, when that story broke, the intelligence community of the United States of America said: We have been betrayed. If one of our own can be outed in a political debate in Washington, are any of us safe? A legitimate question.

So there was an obvious need to find out who did it, who disclosed her identity, endangering her life, the life of every person who had worked with her, and so many other intelligence agents.

Mr. President, do you recall what happened? I do. The Attorney General of the United States, John Ashcroft, recused himself from this investigation. It was the right thing for him to do because the questions about this disclosure of her identity went to the top of the administration. He recused himself and appointed Patrick Fitzgerald, the U.S. attorney for the Northern District of Illinois, a professional, a professional prosecutor with the U.S. Department of Justice.

Well, the investigation went on for a long time. At the end of the investigation, the Chief of Staff of the Vice President of the United States was found to have violated a law. That came out, and eventually we learned the identity of who actually disclosed the name of Valerie Plame. It was a serious issue, one that called for a special counsel, and, if I remember correctly, there were even Republicans at that point joining Democrats saying: Let's get to the bottom of this. If this goes all the way to the top, let's find out who is responsible for it. So it was the appropriate thing to do.

Now, take a look at this situation. This President, who has activated the prosecution of six individuals suspected of leaking classified information, takes very seriously the information that was disclosed related to the al-Qaida techniques and all the things they were using to threaten the United States.

What has he done as a result of it? Let's be specific because I really have to call into question some of the statements that have been made on the floor. To say that the administration is covering this up, as to this leak, is just plain wrong.

At this point, the Department of Justice has appointed two highly respected and experienced prosecutors with proven records of independence in the exercise of their duties. U.S. Attorney Machen has recently overseen a number of public corruption prosecutions in the District of Columbia. U.S. Attorney Rosenstein has overseen a number of national security investigations, including one of the five leak investigations that have been prosecuted under this President. The Justice Department has complete confidence in their ability to conduct thorough and independent investigations into these matters in close collaboration with career prosecutors and agents.

This is not being swept under the rug. This is not being ignored. This is

being taken seriously by this administration, as every leak of classified information will be taken seriously.

I know it is an election year. We are fewer than 100 days away from the election, and I know the floor of the Senate is used by both parties this close to the election. But I want to make it clear this President has a record of commitment to protecting the men and women who gather intelligence for America. He has a record of prosecuting more suspects for leaks of this information than any other President in history. He has, through his Attorney General, appointed two career criminal prosecutors to look into this case and said they will have the resources and authority they need to get to the bottom of it. That is the way to do it.

Will the day come when we say perhaps a special counsel is needed? I will not ever rule that out. Perhaps that day will come. But it is wrong to come to the floor and question this President's commitment to our intelligence community. It is wrong to come to the floor and question the credentials of these two men who have performed so well in the service of the Department of Justice in years gone by.

I thought Senator McCAIN was going to make a unanimous consent request. If he wishes to, let me yield to him at this point.

Mr. McCAIN. I would be glad to respond to my friend.

First of all, obviously, he is in disagreement with the chairperson of the Intelligence Committee because she said these leaks were the worst in the 11 years she has been a member of the Senate Intelligence Committee. So, obviously, the Abramoff and the Valerie Plame investigations are not nearly as serious, and they certainly were not when we look at the incredible damage, according to Admiral McRaven, according to anyone who is an observer of the incredible damage these leaks have caused.

Again, the chairperson of the Intelligence Committee said it is the worst she has ever seen. Admiral McRaven, as I said, said these have put lives at risk and may ultimately cost Americans their lives.

I wonder if my colleague from Illinois is concerned when, according to his book, Mr. Sanger said: "A senior official in the National Security Council" tapped him on the shoulder and brought him to the Presidential suite in the Pittsburgh hotel where President Obama was staying, and—I am quoting from Mr. Sanger's book—where "most of the rest of the national security staff was present." There, the journalist was apparently allowed to review satellite images and other "evidence" that confirmed the existence of a secret nuclear site in Iran.

When leaks take place around this town, the first question you have to ask is, Who benefits? Who benefits from them? Obviously someone who wants to take a journalist up to the presidential suite would make it pretty

easy for us to narrow down whom we should interview first. Who had the key to the presidential suite? Who uses the presidential suite in a hotel in Pittsburgh? These leaks are the most damaging that have taken place in my time in the Senate and before that in the U.S. military. Yes, six people have been prosecuted. Do you know at what level? A private. The lowest level people have been prosecuted by this administration. And this administration says they have to interview hundreds of people in the bottom-up process.

I can guarantee you one thing, I will tell the Senator from Illinois now, there will not be any definitive conclusion in the investigation before the election in November. That does not mean to me that they are not doing their job, although it is clear that one of these prosecutors was active in the Obama campaign, was a contributor to the Obama campaign. I am not saying that individual is not of the highest caliber. I am saying that would lead people to ask a reasonable question, and that is whether that individual is entirely objective.

Americans need an objective investigation by someone they can trust, just as then-Senator BIDEN and then-Senator Obama asked for in these previous incidents, which, in my view, were far less serious and, in the view of the chairperson of the Intelligence Committee, are far more severe than those that were previously investigated. I would be glad to have my colleague respond to that.

Mr. DURBIN. First, let me say that whatever the rank of the individual—private, specialist, chief petty officer—if they are responsible for leaking classified information, they need to be investigated and prosecuted, if guilty.

Mr. MCCAIN. Absolutely.

Mr. DURBIN. So the fact that a private is being investigated should not get him off the hook. I would—

Mr. MCCAIN. I do not think it gets him off the hook. I think it has some significance as compared to this kind of egregious breach of security that has taken place at the highest level. We know that.

Mr. DURBIN. I would say to my friend from Arizona, if I am not mistaken, it was a noncommissioned officer at best and maybe not an officer in the Army who is being prosecuted for the Wiki leaks. So let's not say that the rank of anyone being prosecuted in any way makes them guilty or innocent. We need to go to the source of the leak.

Mr. MCCAIN. No. But my friend would obviously acknowledge that if it is a private or a corporal or something, it has not nearly the gravity it does when a person with whom the Nation has placed much higher responsibilities commits this kind of breach.

Mr. DURBIN. Of course. It should be taken to where it leads, period. But let me also ask—I do not know if quoting from a book on the floor means what was written in that book is necessarily

true. Perhaps the Senator has his own independent information on that.

Mr. MCCAIN. But no one has challenged Mr. Sanger's depiction. No one in the administration has challenged his assertion that he was taken by "a senior official in the National Security Council to the presidential suite." No one has challenged that.

Mr. DURBIN. I would say to the Senator, I do not know if that has to do with the information that was ultimately leaked about al-Qaida. It seems as though it is a separate matter. But it should be taken seriously, period. What more does this President need to do to convince you other than to have more prosecutions than any President in history of those who have been believed to have leaked classified information?

If you will come to the floor, as you said earlier—and I quote, the investigation is "supposedly going on." I trust the administration that the investigation is going on. What evidence does the Senator have that it is not going on?

Mr. MCCAIN. I say to my friend, it is not a matter of trust, it is a matter of credibility because if an administration has the same argument that then-Senator BIDEN used and Senator Obama used in opposition to the administration investigating the Abramoff case and the Valerie Plame case—they argued that it is not a matter of trust, it is a matter of credibility with the American people whether an administration can actually investigate itself or should there be a credible outside counsel who would conduct this investigation, which would then have the necessary credibility, I think, with the American people. I think that there is a certain logic to that, I hope my colleague would admit.

Mr. DURBIN. Let me say to the Senator that in that case, the Attorney General of the United States, John Ashcroft, recused himself—recused himself. He said there was such an appearance of a conflict, if not a conflict, he was stepping aside. It is very clear under those circumstances that a special counsel is needed. In this case, there is no suggestion that the President, the Vice President, or the Attorney General was complicit in any leak. So to suggest otherwise, I have to say to Senator MCCAIN, show me what you are bringing as proof.

Mr. MCCAIN. I am bringing you proof that this Attorney General has a significant credibility problem, and that problem is bred by a program called Fast and Furious where weapons were—under a program sponsored by the Justice Department—

Mr. DURBIN. When did the program begin?

Mr. MCCAIN. Let me just finish my comment. A young American Border Patrol agent was murdered with weapons that were part of the Fast and Furious investigation. What has the Attorney General of the United States done? He has said that he will not come

forward with any information that is requested by my colleagues in the House.

So I would have to say that, at least in the House of Representatives and with many Americans and certainly with the family of Brian Terry, who was murdered, there is a credibility problem with this Attorney General of the United States.

Mr. DURBIN. I say to my colleague and friend Senator MCCAIN, I deeply regret the loss of any American life, particularly those in service of our country.

Mr. MCCAIN. I am convinced of that.

Mr. DURBIN. And I feel exactly that about this individual and the loss to his family. But let's make sure the record is complete. The Fast and Furious program was not initiated by President Obama, it was started by President George W. Bush.

Mr. MCCAIN. Which, in my view, does not in any way impact the need for a full and complete investigation.

Mr. DURBIN. Secondly, this Attorney General, Mr. Holder, has been brought before congressional committees time after time. I have been in the Senate Judiciary Committee when he has been questioned at length about Fast and Furious, and I am sure he has been called even more frequently before the House committees.

Third, he has produced around 9,000 pages of documents, and Chairman ISSA keeps saying: Not enough. We need more. Well, at some point it becomes clear he will never produce enough documents for them. And the House decided to find him in contempt for that. That is their decision. I do not think that was necessarily proper.

But having said that, does that mean every decision from the Department of Justice from this point forward cannot be trusted?

Mr. MCCAIN. No. But what I am saying is that there is a significant credibility problem that the Attorney General of the United States has, at least with a majority of the House of Representatives—

Mr. DURBIN. The Republican majority.

Mr. MCCAIN. On this issue, which then lends more weight to the argument, as there was in the case of Valerie Plame and Jack Abramoff, for the need for a special counsel.

Mr. DURBIN. I do not see the connection. If the Attorney General and the President said: We are not going to investigate this matter, Senator MCCAIN, I would be standing right next to the Senator on the floor calling for a special counsel. But they have said just the opposite. They have initiated an investigation and brought in two career criminal prosecutors whom we have trusted to take public corruption cases in the District of Columbia and leaks of classified information in other cases. And he said: Now you have the authority. Conduct the investigation.

They are not ignoring this.

Mr. MCCAIN. Those two counsels report to whom? The Attorney General of the United States.

Mr. DURBIN. And ultimately report to the people.

Mr. MCCAIN. So I would think, just for purposes of credibility with the American people, that a special counsel would be called for by almost everyone.

Look, I understand the position of the Senator from Illinois. We have our colleagues waiting. I appreciate the fact that he is willing to discuss this issue. I think we have pretty well exhausted it.

Mr. DURBIN. May I turn to one other issue the Senator raised, if he has a moment?

Mr. MCCAIN. Sure.

Mr. DURBIN. The pending bill, cyber security—this is a bill which I hope we both agree addresses an issue of great seriousness and gravity in terms of America's defense. I know the Senator from Arizona and some of his colleagues have produced an alternative. I support the bipartisan bill that Senators LIEBERMAN and COLLINS have brought to the floor.

The major group who opposes the passage of the cyber security bill is the U.S. Chamber of Commerce, an organization that represents the largest businesses in America, and what I have heard the Senator from Arizona say over and over is that they have to be an important part of this conversation and this discussion. I think Senator LIEBERMAN and Senator COLLINS would say: We have engaged them. We have listened to them. We have made changes consistent with what they were looking for. But clearly they have not reached the point where they are satisfied.

I learned yesterday, when Senator WHITEHOUSE of Rhode Island came to the floor, that, in fact, the U.S. Chamber of Commerce really turns out to be pretty expert on this issue of cyber security. And I call the attention of the Senator from Arizona, if he is not aware of it, to a Wall Street Journal article of December 21, 2011. This Wall Street Journal article is entitled "China Hackers Hit U.S. Chamber," and it starts by saying:

A group of hackers in China breached the computer defenses of America's top business lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter. The complex operation involved at least 300 Internet addresses. . . . Four chamber employees who worked on Asian policy had six weeks of their emails stolen.

The article goes on to say that the Chamber of Commerce did not notice this breach that went on for 6 months. The Federal Bureau of Investigation brought it to their attention. And then they learned that the Chinese had not only hacked into the computer mainframe, they had somehow hacked into the computer-driven thermostats in their office, and at times in the office of the U.S. Chamber of Commerce, their copy machines and fax machines were spitting out pages with Chinese characters on them. They were com-

pletely compromised by this cyber attack. Now they come us to as experts on how to avoid a cyber attack.

I ask unanimous consent that the Wall Street Journal article be printed at this point in the RECORD.

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

[From the Wall Street Journal, Dec. 21, 2011]

CHINA HACKERS HIT U.S. CHAMBER—ATTACKS BREACHED COMPUTER SYSTEM OF BUSINESS-LOBBYING GROUP; EMAILS STOLEN

(By Siobhan Gorman)

A group of hackers in China breached the computer defenses of America's top business-lobbying group and gained access to everything stored on its systems, including information about its three million members, according to several people familiar with the matter.

The break-in at the U.S. Chamber of Commerce is one of the boldest known infiltrations in what has become a regular confrontation between U.S. companies and Chinese hackers. The complex operation, which involved at least 300 Internet addresses, was discovered and quietly shut down in May 2010.

It isn't clear how much of the compromised data was viewed by the hackers. Chamber officials say internal investigators found evidence that hackers had focused on four Chamber employees who worked on Asia policy, and that six weeks of their email had been stolen.

It is possible the hackers had access to the network for more than a year before the breach was uncovered, according to two people familiar with the Chamber's internal investigation.

One of these people said the group behind the break-in is one that U.S. officials suspect of having ties to the Chinese government. The Chamber learned of the break-in when the Federal Bureau of Investigation told the group that servers in China were stealing its information, this person said. The FBI declined to comment on the matter.

A spokesman for the Chinese Embassy in Washington, Geng Shuang, said cyberattacks are prohibited by Chinese law and China itself is a victim of attacks. He said the allegation that the attack against the Chamber originated in China "lacks proof and evidence and is irresponsible," adding that the hacking issue shouldn't be "politicized."

In Beijing, Foreign Ministry spokesman Liu Weimin said at a daily briefing that he hadn't heard about the matter, though he repeated that Chinese law forbids hacker attacks. He added that China wants to cooperate more with the international community to prevent hacker attacks.

The Chamber moved to shut down the hacking operation by unplugging and destroying some computers and overhauling its security system. The security revamp was timed for a 36-hour period over one weekend when the hackers, who kept regular working hours, were expected to be off duty.

Damage from data theft is often difficult to assess.

People familiar with the Chamber investigation said it has been hard to determine what was taken before the incursion was discovered, or whether cyberspies used information gleaned from the Chamber to send booby-trapped emails to its members to gain a foothold in their computers, too.

Chamber officials said they scoured email known to be purloined and determined that communications with fewer than 50 of its members were compromised. They notified those members. People familiar with the investigation said the emails revealed the

names of companies and key people in contact with the Chamber, as well as trade-policy documents, meeting notes, trip reports and schedules.

"What was unusual about it was that this was clearly somebody very sophisticated, who knew exactly who we are and who targeted specific people and used sophisticated tools to try to gather intelligence," said the Chamber's Chief Operating Officer David Chavern.

Nevertheless, Chamber officials said they haven't seen evidence of harm to the organization or its members.

The Chamber, which has 450 employees and represents the interests of U.S. companies in Washington, might look like a juicy target to hackers. Its members include most of the nation's largest corporations, and the group has more than 100 affiliates around the globe.

While members are unlikely to share any intellectual property or trade secrets with the group, they sometimes communicate with it about trade and policy.

U.S. intelligence officials and lawmakers have become alarmed by the growing number of cyber break-ins with roots in China. Last month, the U.S. counterintelligence chief issued a blunt critique of China's theft of American corporate intellectual property and economic data, calling China "the world's most active and persistent perpetrators of economic espionage" and warning that large-scale industrial espionage threatens U.S. competitiveness and national security.

Two people familiar with the Chamber investigation said certain technical aspects of the attack suggested it was carried out by a known group operating out of China. It isn't clear exactly how the hackers broke in to the Chamber's systems. Evidence suggests they were in the network at least from November 2009 to May 2010.

Stan Harrell, chief information officer at the Chamber, said federal law enforcement told the group: "This is a different level of intrusion" than most hacking. "This is much more sophisticated."

Chamber President and Chief Executive Thomas J. Donahue first learned of the breach in May 2010 after he returned from a business trip to China. Chamber officials tapped their contacts in government for recommendations for private computer investigators, then hired a team to diagnose the breach and overhaul the Chamber's defenses.

They first watched the hackers in action to assess the operation. The intruders, in what appeared to be an effort to ensure continued access to the Chamber's systems, had built at least a half-dozen so-called back doors that allowed them to come and go as they pleased, one person familiar with the investigation said. They also built in mechanisms that would quietly communicate with computers in China every week or two, this person said.

The intruders used tools that allowed them to search for key words across a range of documents on the Chamber's network, including searches for financial and budget information, according to the person familiar with the investigation. The investigation didn't determine whether the hackers had taken the documents turned up in the searches.

When sophisticated cyberspies have access to a network for many months, they often take measures to cover their tracks and to conceal what they have stolen.

To beef up security, the Chamber installed more sophisticated detection equipment and barred employees from taking the portable devices they use every day to certain countries, including China, where the risk of infiltration is considered high. Instead, Chamber employees are issued different equipment

before their trips—equipment that is checked thoroughly upon their return.

Chamber officials say they haven't been able to keep intruders completely out of their system, but now can detect and isolate attacks quickly.

The Chamber continues to see suspicious activity, they say. A thermostat at a town house the Chamber owns on Capitol Hill at one point was communicating with an Internet address in China, they say, and, in March, a printer used by Chamber executives spontaneously started printing pages with Chinese characters.

"It's nearly impossible to keep people out. The best thing you can do is have something that tells you when they get in," said Mr. Chavern, the chief operating officer. "It's the new normal. I expect this to continue for the foreseeable future. I expect to be surprised again."

Mr. McCAIN. First of all, could I say that is just unfair. They are not claiming to be experts on cyber attacks. They are claiming that there are issues of liability, issues of information sharing, and other issues that they believe will inhibit their ability to engage in business practices and grow and prosper. So to say that somehow they claim they are experts on cyber security, they are not, but they are experts on how their businesses can best cooperate, share information, resist these attacks, and come together with other people and other interests to bring about some legislation on which we can all agree.

There are 3 million businesses and organizations that are represented here, I say to my colleague, so it seems to me that we should continue this conversation with them, particularly on issues of information sharing and liability. But to somehow say "well, we talked to them, but we did not agree with anything they wanted to do" is not fair to those 3 million businesses. We are making some progress. But please don't say they portray themselves as experts.

By the way, they hacked into my Presidential campaign, which shows they really were pretty bored and did not have a hell of a lot to do. But, anyway, go ahead.

Mr. DURBIN. I am sure that wasn't the case. I am sure it was a fascinating treasure trove of great insights and information.

But let me just say to my friend from Arizona, I am asking only for a little humility on both sides, both in the public sector and the private sector, by first acknowledging, as our security advisers tell us, that this is one of the most serious threats to our country and its future, and we should be joining with some humility, particularly if you have been victimized, whether in your campaign or in your offices, to understand how far this has gone. The FBI, according to Senator WHITEHOUSE when he came to the floor, found 50 different American businesses that had been compromised and hacked into by the same type of operation. Forty-eight were totally unaware of it. They did not even know it occurred. What we are trying to do is to get these businesses to cooperate with us so that we

share information and keep one another safe.

At the end of the day, it is not just about the safety of the businesses—and I think it is important that they be safe—but the safety of the American people. This is really a serious issue.

Mr. McCAIN. Can I say to my colleague, first of all, to somehow infer that businesses in America are less interested in national security than they are in their own businesses is not, I think, a fair inference. But let me also say that what they want to do is be more efficient in the way they can do business.

For example, information sharing—as you know, there is a serious problem with liability if they are not given some kind of protections in the information sharing they would do with each other and with the Federal Government. So we want to make sure they have that security so that they will more cooperatively engage in the kind of information we need. That is a vital issue. That is still something on which we have a disagreement.

I have no doubt that the comments of the Senator from Illinois about how important this issue is are true. Nobody argues about that. But we have to get it right rather than get it wrong. The Senator from Illinois and I have been here a long time, and sometimes we have found out that we have passed legislation that has had adverse consequences rather than the positive ones we contemplated. By the way, I would throw Dodd-Frank in there. No company is too big to fail now. I would throw in some of the other legislation we have passed recently, which has not achieved the goals we sought.

That is why we need, in my view, more compromise and agreement. I believe we can reach it. I give great credit to both of our cosponsors of the bill, but please don't allege that this is "bipartisan" in any significant way. Most of the Republican Senators oppose the legislation in its present form. All Republican Senators understand the gravity of this situation and the necessity of acting.

Mr. DURBIN. I say to my friend from Arizona, I hope we get this done this week. I know it is a big lift, and it is a lot to do. But I believe the threat is imminent, and I believe it is continuous. If we don't find a way through our political differences to make this country safer, shame on us.

I believe Senator COLLINS is from the Senator's side of the aisle and is proud of that fact. So it is a bipartisan effort. She worked with—

Mr. McCAIN. It depends upon your definition of "bipartisan."

Mr. DURBIN. Well, it is clearly bipartisan with Senators LIEBERMAN and COLLINS. I also say that to raise the question of Dodd-Frank and appropriate government oversight and regulation—I suggest that we reflect on three things: LIBOR, Peregrine Investments, and the Chase loss of \$6 billion.

To say that we should not have government oversight of our financial in-

stitutions that dragged us into this recession we are still trying to recover from—I see it differently. We vote differently when it comes to that. I think there is a continuing need for government oversight of these financial institutions.

Mr. McCAIN. These institutions are not averse to government oversight. They are averse to legislation that harms their ability to share that information because if they face the threat of being taken into court for that, then obviously there is some reluctance. They also know how much has been lost because of the lack of cyber security to China and other countries. They are the ones who have been most directly affected. They are intelligent people, smart people, and they want this legislation to pass in a way that is the most effective way to enact legislation on this very serious issue.

I look forward to continuing the conversation with my friend from Illinois. I think both of us learn a bit from our conversations, and I thank him for his continued willingness to discuss the issue.

Mr. DURBIN. I thank my friend, the Senator from Arizona. I hope other colleagues will engage in this kind of exchange. I don't know if we convinced one another, but we certainly leave with the same level of respect with which we started. I hope those who have followed the debate have heard a little more about both sides of the issue in the process.

Mr. McCAIN. I yield the floor.

CORRECTING THE ENROLLMENT OF H.R. 1627

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 55, which was submitted earlier today by Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (S. Con. Res. 55) directing the House of Representatives to make a correction in the enrollment of H.R. 1627.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

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

The concurrent resolution (S. Con. Res. 55) was agreed to, as follows:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 1627) an Act to amend title 38, United States Code, to furnish hospital care and medical services to veterans