

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m. today.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

CYBERSECURITY ACT OF 2012—
Continued

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I am so glad the Presiding Officer is in the chair while I am making these remarks. I wish to salute the Presiding Officer for his service in the Senate and his service to the Nation. One knows he is a member of the U.S. Marine Corps although he no longer wears the uniform. I believe once a marine, always a marine. And his service in Vietnam and to the Nation as Secretary of the Navy is well known and well appreciated. The Presiding Officer has served as a marine in the Marine Corps and as Secretary of the Navy and now in the Senate as a Member of the Democratic Party. The Presiding Officer really serves the Nation.

I come to the floor today to talk about cyber security and the need to pass cyber security legislation this week, in this body. And I come to the floor not as a Democrat, I come to the floor as a patriot.

I say to my colleagues in the Senate that this week, on this floor, the Senate has a rendezvous with destiny. We have pending before us cyber security legislation, a framework to protect critical infrastructure of the dot-com world against cyber attacks from those who have predatory, hostile intent to the United States of America. We are bogged down. We are not moving. We are once again following what has become a usual pattern in the Senate: when all is said and done, more is going to get said than gets done.

But I say to anyone listening and anyone watching, we cannot let that happen. The United States of America is in danger. And this danger is not something in the future. It is not something written in science fiction books. This is not the wave that is going to come. It is happening right now in cyber attacks on our banking services, our personal identity, our trade secrets, and things I will talk about more.

The naysayers here say: We can't pass this bill because it will be overregulation and it will lead to strangulation, and, oh my gosh, we can't ask the private sector to spend one dime on protecting itself.

Well, I respect healthy criticism, but let me say to my friends, because I want them to know that if anything happens to the United States of America—if the grid goes down, if NASDAQ goes down, if our banking system goes down, if we will not be able to function

because the streetlights won't be on and we won't be able to turn the electricity on—I will tell you what will happen. Once again, politicians will overreact, we will overregulate, and we will overspend.

In a very judicious, well-thought-out, well-discussed process, we could come up with a legislative framework that would defend the United States of America and at the same time balance that sensible center that another great patriot, Colin Powell, calls us to do: Always look for the middle ground while we look at where we want to go.

There is a cyber war, and I want everybody to know about it. Cyber attacks are happening right now. Cyber terrorists are thinking every single day about attacking our critical infrastructure. There are nation states that want to humiliate and intimidate the United States of America and cause catastrophic economic destruction. How do they want to do it? They want to take over our power grids. They want to disrupt our air traffic control. They want to disrupt the financial functioning of the United States of America. Cyber spies are working at breakneck speed to steal many of our state secrets. Cyber criminals are hacking our networks. So what are we talking about in this bill? We are talking about critical infrastructure.

Now, I am a Senator from Maryland, and the Presiding Officer is a Senator from Virginia. Does he remember that freaky storm a couple weeks ago? Remember Pepco? Oh, boy. I still have my ears ringing from my constituents calling about Pepco. I can tell you what it was like in Baltimore when that freaky storm hit. You couldn't get around when the stoplights were down. It was like the Wild West getting around. You could go into stores—if they were open—and nothing functioned. The lights weren't on. The refrigeration was off. Businesses were losing hundreds of thousands, if not millions of dollars. There were families, like a mother with an infant child and another child, with no electricity for 5 days who went to hotel rooms.

Now, they want to talk about this bill costing too much money? Just look at what it cost the national capital region of the United States of America because of a freaky storm.

It took us 5 days to get the utilities back on because of the utility company, but what happens if our destiny is outside of our control, if cyber terrorists have turned off the lights in America and we can't get them turned back on? It is going to cost too much? Wait until this kind of thing happens. I don't want it to happen, and we can prevent it from happening, and we can do it in a way that understands the needs of business.

I want to understand the needs of small business, but I sure understand the needs of families.

For those who say it is going to cost too much and they have the concerns of the chamber of commerce, fine. I

don't want to trash-talk them. My father owned a little neighborhood grocery store. I know what it is like when the electricity goes down. My father lost thousands of dollars because the frozen food melted, lost thousands of dollars when we had a freaky storm because of the refrigeration and his meats and produce went bad. My father lost thousands of dollars years ago in a freaky storm.

This bill means that if we come up with the kind of legislation that we want, we can deal with it. Just remember what critical infrastructure means. It means the financial services. It means the grid. So when there is no power, schools are shut down, businesses are shut down, public transit is crippled, no traffic lights are working. By the way, in Virginia didn't 9-1-1 stop working, and they are still investigating? Don't we love to investigate? Well, right now I don't want to investigate and I don't want to castigate, but I sure want the Senate to be able to get going.

Then there is the issue of financial services. The FBI is currently investigating 400 reported cases of corporate account attacks where cyber criminals have made unauthorized transfers from bank accounts of U.S. businesses. The FBI tells me they are looking at the attempt to steal \$255 million and an actual loss of \$85 million. Hackers are already going into the New York Stock Exchange, they are already going into NASDAQ in an attempt to shut down or steal information. Gosh, if we allow this to continue, they could attack and cost us billions of dollars.

Does the Presiding Officer remember that in 2010 we had a flash crash? New vocabulary, new things out there. The Dow plunged 1,000 points in a matter of minutes because automatic computer traders shut down. This was the result of turbulent trading. But just imagine if terrorists or nation states that really don't like us—and I am really not going to name them, but we really know who they are—really create flash crashes?

I know there are patriots in this Senate who have been the defenders of the Nation in other wars. They have said themselves that they worry about the Asia Pacific, they worry about China. I worry about China too. So while we are looking at the Defense authorization and appropriations—and people want more aircraft carriers to defend us in the blue waters against China. But what happens if there is a cyber attack? Now, we do know how to protect dot-mil, but don't we also want to protect dot-com in the same way? I think so.

I salute Senators LIEBERMAN and COLLINS. They have come forth with a bill that does two things from a national security perspective. First of all, it tells business: You can come in voluntarily. There is no mandate to participate. But if you do come in, you will get liability protection.