

forces. But people today are also understandably and rightly concerned about corporate intrusion into their privacy. They are concerned about companies crawling the Web to collect consumers' personal information and selling it to marketers. They are concerned that mobile device apps can access and acquire the device owner's photos and address book without his or her knowledge or consent. They are concerned that credit scores are being created from their use of medications, and that those scores are being used to set personal health insurance premiums. They are concerned about companies that are compiling dossiers on their use of social media sites and blogs and selling those reports to prospective employers. They are concerned because they are powerless to prevent the distribution of their contact information to marketers who then deluge them with advertisements in the mail and by e-mail, and they are concerned about companies who don't secure their personal data and the damages that result from improper breaches and disclosures with the risk of identity theft and worse.

The Constitution was written to protect Americans from government intrusions into their privacy. I understand the difference between government intrusions and private sector intrusions. But if the government were treating its citizens the way some companies are treating their customers, people would be outraged. They would be up in arms. They would be dumping tea in the Boston Harbor. The Supreme Court has just ruled that it is not OK for the government to track people via GPS in their car without a warrant, so why would it be OK for a company such as OnStar to track drivers who canceled their subscriptions and sell that information on their movements to marketers?

Americans—many of us, and others—were questioning the PATRIOT Act and its provisions that allow government to access records of what books citizens borrowed from the library and what Web pages they visited while they were there. Yet, companies are tracking consumers' every movement on line, through dozens—even hundreds—of cookies that are secretly installed on consumers' computers whenever they visit a Web site. We would be horrified if the government as a routine matter monitored pictures people take and who they interact with. Yet, according to news reports, mobile devices and apps are doing exactly that.

I believe it is time we protect Americans from intrusions into their personal privacy by companies or educational institutions or others who may not be part of the government. Big Brother or Big Sister no longer need wear a police uniform or a badge or a military uniform. It may well be under the guise of a corporate seal or insignia, and I believe it is time we protect against those intrusions, as well as others. In fact, it is a bipartisan concern. One of the few areas where there

is agreement in Congress is the need for better protection of consumers for online privacy. We may differ on the substance; we may disagree as to what the contours and the specifics should be. I am concerned about this issue and I am encouraged by the bipartisan support for attention to it. I was heartened by the President's recent call for a consumer privacy bill of rights—a great beginning, a very positive step forward. I believe our approach to privacy must be comprehensive and robust.

As a threshold matter, companies that collect or share information about consumers should be required to get consumers' affirmative opt-in consent for collecting or sharing that data. Not an opt-out but an opt-in—specific, informed consent. That should apply online as well as offline. We have seen a lot of attention paid to Internet tracking and behavioral advertising. I think we ought to protect consumers from privacy invasions that come from the mail or over the phone. They particularly affect our seniors. If a company wants to collect, aggregate, share, sell, or by any other means, it should get consumers' permission; otherwise, it shouldn't be permitted.

We also need to pay attention to the collection of information through consumers' use of mobile devices. As we have seen recently, some mobile apps or operating systems are capable of tracking not just consumers' Web browsing but also their text messages, what they photograph, who they contact. Mobile devices need a system-wide, do-not-track option to allow consumers to control the distribution of their information.

Finally, the consumers' right to privacy also must encompass the right to prevent unauthorized distribution of that information. To that end, we need to establish requirements for companies that possess consumers' personal information to ensure they have security features in place to prevent data breaches. Those protections must be accompanied by remedies, by fines and penalties that make those rights and protections real so that consumers have a private right of action as well.

Congress is working on these issues. There have been numerous hearings and legislation has been proposed. Having the President add his voice to the call for privacy will only help. As with food safety, product safety, and Wall Street reform, companies themselves are demonstrating the need for legislation and some of them are joining in this effort very constructively.

So as we mark the 50th anniversary of President Kennedy's call to action, let us heed the importance of his message to Congress. He said: "As all of us are consumers, these actions and proposals in the interests of consumers are in the interests of us all."

We should be proud in this body of having continued the fight for consumer protection. It should be full-throated and full-hearted.

Americans went West to the Presiding Officer's State and to other States seeking open spaces, economic opportunities, as well as personal opportunities, including the right to privacy and being alone. That American right—that American spirit—is very much with us today. It is 50 years after President Kennedy first articulated it, but I believe it is as real and necessary today as ever.

Thank you, Mr. President. I yield the floor, and 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. McCONNELL. Mr. 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.

RECOGNITION OF THE MINORITY LEADER

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

JOBS ACT STRATEGY

Mr. McCONNELL. Mr. President, I would like to start out this morning by saying I am glad we are turning to the bipartisan jobs bill that passed the House last week by such a lopsided margin. Here is a chance not only to help entrepreneurs build their businesses and create jobs but to show we can work together around here to get things done on a bipartisan basis.

Unfortunately, some of our friends on the other side do not seem to like that idea very much. Apparently, they would rather spend the time manufacturing fights and 30-second television ads than helping to create jobs.

First, they tried to even keep us from bringing up this jobs bill for debate in the Senate. Now we read they are trying to figure out ways to make this overwhelmingly bipartisan bill controversial. They want to pick a fight rather than get this bill to the President's desk, and then they are going to use the same strategy on a number of other bills.

Their plan is not to work together to make it easier to create jobs but to look for ways to make it easier to keep their own; then use it for campaign ads in the runup to the November elections.

If we are looking for the reason this Congress has a 9-percent approval rating, this is it. One day after we read a headline in the Congressional Quarterly about Democrats moving to slow a jobs bill that got 390 votes, we see a story today about how the No. 3 Democrat in the Senate is scheming to spend the rest of the year hitting the other side. It goes on to list all the ways he plans to do it, and then it says this:

None of these campaign-style attacks allow for the policy nuances or reasoning behind the GOP's opposition, and some of the

bills stand no chance of becoming law. But that's not really the point.

So at a moment of economic crisis, the No. 3 Democrat in the Senate—the Democrat in charge of strategy over there—is sitting up at night trying to figure out a way to create an issue where there is not one, not to solve our Nation's problems but to help Democrats get reelected.

I would like to have printed in the RECORD the Politico story I just referred to entitled “Schumer schemes to hit GOP” and ask unanimous consent to do so.

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

[From Politico, Mar. 14, 2012]
SCHUMER SCHEMES TO HIT GOP
(By Manu Raju)

NEW YORK.—Sen. Chuck Schumer believes he has found a political weapon in the unlikeliest of places: the Violence Against Women Act.

Republicans have several objections to the legislation, but instead of making changes, Schumer wants to fast track the bill to the floor, let the GOP block it, then allow Democrats to accuse Republicans of waging a “war against women.”

It's fodder for a campaign ad, and it's not the only potential 30-second spot ready to spring from Senate leadership these days.

From his perch as the Democrats' chief policy and messaging guru, Schumer wants to raise taxes on people who earn more than \$1 million, and many Democrats want to push the vote for April 15, a move designed to amp up the “income inequality” rhetoric just in time for Tax Day.

Schumer has a plan for painting Republicans as anti-immigrant as well. He's called the author of the Arizona immigration law to testify before his Judiciary subcommittee, bringing Capitol Hill attention to an issue that's still front and center for Hispanic voters.

None of these campaign-style attacks allow for the policy nuances or reasoning behind the GOP's opposition, and some of the bills stand no chance of becoming law.

But that's not really the point.

The real push behind this effort is to give Democrats reasons to portray Republicans as anti-women, anti-Latino and anti-middle class. In the aftermath of a fight over a payroll tax cut for American workers and an Obama contraception policy, Democrats are ready for this next set of wedge issues.

“If a party chooses to alienate the fastest-growing group of people in the country [Latinos] and the majority of people in the country, women, they do so at their peril,” Schumer said Wednesday. “This is an important issue.”

The move carries some risk. The economy is still struggling, with the jobless rate above 8 percent and millions seeking work. Gas prices are skyrocketing. And Schumer himself said last Sunday that Democrats would focus like a “laser” on the economy, a comment Republicans giddily pointed out as Senate Majority Leader Harry Reid (D-Nev.) pushed for judicial confirmations this week.

Schumer and Reid have also shown little interest in bringing forward a budget resolution this spring, saying that overall spending levels have already been agreed upon. That has opened them up to Republican charges they are steadfastly avoiding tough votes on the budget in favor of election-year point scoring.

Republicans see the latest chatter in the Senate as a political ploy by Democratic

leaders to steady the ship in the face of a shaky political landscape.

“Sounds like all politics all the time,” said Sen. John Cornyn (R-Texas), a member of his party's leadership who also serves on the Judiciary Committee. He added that Republicans would point out the “cynical nature of what they're trying to do that it's not based on substance.”

Cornyn added: “We'll be prepared to address their false narrative.”

The political strategy also risks inflaming partisan tensions. Arizona Republican Sens. Jon Kyl and John McCain criticized Schumer for calling for a hearing on their state's tough law that gives law enforcement new powers to target prospective illegal immigrants, a subject of a Supreme Court challenge.

Both men said they had no idea Schumer was inviting former state Sen. Russell Pearce—the author of the law—to testify at a hearing next month.

“Generally, senatorial courtesy indicates you talk to the member states,” McCain said Wednesday. “I have never seen Sen. Schumer do anything unless it had a political agenda.”

Schumer's office rejects the contention, saying that the New York Democrat notified Cornyn, the ranking Republican on the subcommittee, weeks before the offer was made public.

“This is a sunlight hearing,” Schumer said Wednesday. “The more the public hears some of these views from the people in Arizona, the more they'll ask for a more moderate position.”

Still, Schumer said there are moments of bipartisanship in which the two sides can come together, and he rejects the notion that Democrats are skirting efforts to prop up the economy, pointing to the passage of a highway bill Wednesday and expected approval of a House-passed small-business bill. Schumer said on the floor Wednesday that he hoped it was a “moment of greater comity.”

But it may not last longer than a few days.

As soon as next week, the Senate may begin debating a bill to update expired provisions in the 1994 Violence Against Women Act, which provides assistance to victims of domestic abuse and other crimes. The bill, offered by Senate Judiciary Chairman Patrick Leahy (D-Vt.), was approved last month in his panel on a party-line vote, a sharp shift from seven years ago when the bill sailed through his committee.

“Not to reauthorize this is a tragedy,” Sen. Dianne Feinstein (D-Calif.) said Wednesday. “This is one more step in the removal of rights for women.”

Iowa Sen. Chuck Grassley, the top Republican on the panel, said while he supports a reauthorization of the law, he has concerns with the Democratic bill because it would lead to the issuance of thousands of additional visas under the U-Visa program, which gives illegal immigrants who are victims of crimes a chance to gain legal status if they cooperate with law enforcement.

On top of that, Grassley said it would fail to resolve immigration fraud and said grant money given to victims has not been adequately tracked. At the committee meeting last month, Grassley also raised concerns about language in Leahy's bill to broaden some of the law's provisions to those in same-sex relationships.

In response, Grassley introduced his own bill that included stricter criteria for U-Visa eligibility. But Democrats rejected that bill saying it would gut a key Justice Department enforcement office and undermine the protections in the law.

Republicans said Wednesday they might move their own bill once the issue heads to the floor. And they pushed back on Demo-

cratic criticisms that they were being insensitive to women.

“It's a politically popular bill, and if you try to improve it, or change it, and make it more efficient, then the complaint is you don't care about the issue,” said Sen. Jeff Sessions (R-Ala.), a member of the committee. “Nothing can be further from the truth.”

But Schumer added, that if the Republicans take positions that turn off voters, it'll be their own fault.

“When the Democrats let the extreme left run the show, we lose out. We've learned that lesson the hard way on many occasions,” he said. “When Republicans let the hard right run the show, they lose out.”

Mr. McCONNELL. It lays out the Democratic strategy. The American people need to know what is going on in the Democratic-controlled Senate and, frankly, so should posterity. Fifty years from now, I would like an American doing a research project to look back at what is outlined in this Politico article so they can understand what this Democratic-controlled Senate is like, so they can understand what their priorities are. What did this country's leaders do to make America stronger for the next generation? Read this Politico piece. It provides a unique insight for future generations of Americans to understand what this Senate has done for the country. They can decide for themselves what they think of it and what its legacy should be.

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. WARNER. Mr. 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.

STARTUP COMPANIES

Mr. WARNER. Mr. President, I rise to speak on some of the issues that were just addressed by the Republican leader; that is, the legislation we will hopefully turn to next about creating jobs.

There are a lot of occasions when legislation comes to the floor of this Senate where I, similar to many Members, have a view on it, and we kind of weigh in on our positions. But this legislation, as it comes forward, is something for which I have more than just an intellectual or political or philosophical viewpoint. This legislation actually involves the business I was in for nearly 20 years.

I was proud of the fact that starting in the early 1980s—up until the time I was elected Governor of Virginia—I was involved, originally as an angel investor and then as a venture capitalist, in helping start companies across this country. I am proud to have been involved as a venture capitalist in funding almost 70 companies—those companies that grew to now employ tens of thousands of Americans.