this case defining it as people making over $250,000 a year—contribute an additional 1 percent of every dollar of income over $250,000 to save Medicare as we know it.

That is the outline of my plan. I wanted to come and describe it to my colleagues: We raise the eligibility age; charge a more financially sound premium; address overutilization and waste and fraud; and develop a more reliable funding stream so we can save Medicare, which is a great program, and which we would not save unless we make some tough decisions.

I said earlier I think this proposal will save at least $250 billion in the first decade and keep the program alive for 20 years. I was encouraged that the very respected Committee for a Responsible Federal Budget said, after I disclosed this plan last week, that they believed it would save as much as $325 billion over the next decade and reduce spending even more in the following decades.

I offer these ideas as a starting point in a discussion we have to have about how we can both extend the solvency and life of Medicare for the seniors who depend on it and reduce our national deficit and debt, which we will not do unless we reduce the drain on our National Treasury that the Medicare Program now represents. I am going to be drafting this as legislation, and I will circulate it to my colleagues. I hope it is of some assistance to Vice President BIDEN and the leadership group that is working with him as they prepare proposals to get America's ship of state back into fiscal balance.

I know all of these are full of political risk, but the refusal of different parties of Congress to either cut spending on the one hand or raise taxes on the other is exactly why we are in the fiscal mess we are in now, and the more we wait to deal with it the harder it is going to be. At some point, there is going to be such a disaster that we are going to have to both impose Draconian cuts in spending and tax increases, and none of us want to do that. The way to avoid that moment is to do it now in a methodical and sequenced, longer term way.

The fact is, unless we take risks together, the great losers—and those risks have to be across party lines. This has to be a moment when we say to each other across party lines: These are tough votes. I can demagogue this vote, I can go after you in the next election based on this vote, but I am pleading with you to cast this vote, and I will cast one that is risky, too, politically, so we can do something good for the country because, if we don't turn away from partisanship and turn toward shared responsibility, the big losers are going to be our great country and the wonderful people who elected us and sent us here to lead. I thank the Chair.

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. SANDERS. 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.

(The remarks of Mr. SANDERS pertaining to the introduction of S. 1200 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

TRIBUTE TO GERRY COUNIHAN

Mr. HARKIN. Mr. President, when Gerry Counihan leaves the Senate employment in the next couple of days, we will lose one of the most respected and beloved members of our Senate family. During his nearly two decades of service with the Senate, he has epitomized the professionalism, dedication, loyalty, and the incredible work ethic of the best staff members on Capitol Hill. So we are saying farewell not just to a wonderful Senate employee but also to a very good friend.

Mr. President, Gerry Counihan first came to Capitol Hill in 1991 as a member of JOHN MCCAIN's staff. He later left the Senate for a brief time, but returned in 1997 as a tour guide in the Capitol Building, where he truly excelled. In fact, Gerry made a bit of history himself. He gave the first public tour following the fatal shooting of two Capitol police officers in 1998. When the Capitol reopened to visitors following the attacks of September 11, 2001, Gerry again led the first tour of the Capitol.

Four years ago, sadly, Gerry was the victim of a violent crime and sustained very grave injuries. He spent over 4 weeks at the National Rehabilitation Hospital. It was a long and courageous struggle to learn to walk and speak again. But he persevered and succeeded.

Unfortunately, Gerry was not able to return to his job as a tour guide because of his injuries, but he was hired by the Sergeant at Arms to work as one of our elevator operators. That is where I and so many other Senators have had the pleasure of meeting him and enjoying his company in recent years.

I can't tell you how many times during late night sessions he has brightened our lives with a kind word or bright smile. I can't tell you how many times he has shepherded us into the sanctuary of his elevator while fending off intrusive reporters or lobbyists. We have always been grateful to him for that.

No question about it, Gerry Counihan has been one of those very special people who make the Senate a great place to work.

Gerry is moving on to a new career with new responsibilities and new opportunities at the Department of Health and Human Services out in Rockville, MD. With his departure, we are saying goodbye to a standout Senate staffer, a great friend, and someone who always brightens our day. We will miss him very much.

There are not many things that Republicans and Democrats agree on in this body these days, but our love for Gerry Counihan is bipartisan and—indeed, I can say this without any fear of contradiction—unanimous. The Senate family joins together in wishing Gerry happiness and success in his new career.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

The Senator from Minnesota.

Mr. FRANKEN. I thank the Chair.

Madam President, I rise today to discuss what I think is one of the clearest threats to Americans' digital privacy and to discuss legislation I think will go a long way toward addressing this problem.

Americans have valued and sought to protect their right to privacy for a long time, and so have the representatives they have elected to be a part of this Chamber. But in the past few decades, there has been a fundamental shift in the nature of our right to privacy and the privacy threats we face. Because when I was young, when people talked about their right to privacy, they talked about protecting themselves from the government—from government intrusion. They asked: Is the government keeping tabs on my political beliefs? Is it staying out of my family business?

Today, we still need to worry about protecting our privacy from the government, but we also need to protect our privacy from private entities—from corporations that are obtaining and aggregating increasingly large amounts of our personal information. Nowhere is that need clearer and more urgent than on the Internet. Within the Internet ecosystem, I would argue that some of the most sensitive information out there comes from our phones.

Smartphones are the future of the Internet and can actually be more powerful than desktop computers from a decade ago. There will be more smartphones sold in 2012 than laptops and desktops combined. There is a reason for that. These are incredible devices. Using a smartphone, a mother or

father can see his or her child, wish him or her goodnight, even if that child is half a world away. A smartphone can give a driver directions and can tell that driver where the nearest gas station is. Smartphones also enable emergency responders to find and respond to an accident in a matter of seconds.

But the same technology that allows these wonderful benefits also raises very clear privacy concerns. Our smartphones know where we are all the time. Unfortunately, the last 6 months has shown that our legal framework hasn't kept up with technology and isn't protecting our privacy when we use these devices.

Last December, an investigation by the Wall Street Journal revealed that of 101 top applications for Apple iPhones and Google Android devices, 47 disclosed information about a user's location to third parties, without asking consent from the user.

In April, security researchers discovered that for almost a year, Apple iPhone devices have been creating a detailed log of the different places a user had visited—and stored that log on both the phone and on every computer a user synched his or her device to in an unencrypted manner. That same month, Americans learned that both iPhones and Androids were automatically transmitting location information back to Apple and Google. In the case of the iPhones, the user had no clear way of knowing this was happening. In many cases, they actually had no way to stop it.

In February, I became chairman of the Judiciary Committee's new Subcommittee on Privacy, Technology, and the Law. I decided to use my new role to dig down and find out more about smartphone privacy. When I learned of the events in April, I wrote Apple about what was going on, and in May, I held our first subcommittee hearing on the issue. We took testimony from the Department of Justice, the Federal Trade Commission, privacy advocates, technologists, representatives from app developers, and we took testimony from Apple and from Google. I will tell you, the more I learned about this problem, the more I became worried for consumers.

I learned that an app on your phone can access an incredible amount of information on you. It can monitor your Web browsing habits. It can access and read your address book. And, of course, it can access your location. But in most cases, a user has no way of knowing that all of this information can be freely sent to third parties that the user has never heard of. A recent study of the top 340 free applications found that only 19 percent provide users with a link to a privacy policy. That is less than one in five apps.

I also learned that our Federal laws on this subject are a confusing hodgepodge full of gaps and loopholes, and that in many cases our current Federal laws explicitly allow wireless companies and companies such as Apple and Google to disclose our location information to whomever they want.

Let me give you an example. If I use my smartphone to make a phone call, my wireless company cannot go out and give my location to third parties without getting my express consent. But if I use that same smartphone to search the Internet, my wireless company can disclose my information to almost anyone they want.

Here is another example. If I use a mapping application on my smartphone to find out where I am or to find the nearest supermarket, Apple and Google would have to ask my consent before telling third parties where I am. But if my same phone automatically transmits my location to one of these companies without my knowing it, then, arguably, under current Federal law, again, these companies would likely be free to disclose my information to almost anyone they want.

You do not have to take my word for it. Over the past several months, I have asked privacy experts and officials from the Department of Justice and the Department of Commerce about these issues, and they have confirmed that this is, in fact, the case. This does not make sense. In fact, it is kind of a problem.

But the most alarming thing I heard is that there are real-life consequences when we do not do enough to protect location information on our smartphones. The very first group that contacted me after I wrote my letter to Apple in April was the Minnesota Battered Women's Coalition. They told me they have seen time and time again how smartphone location technology can be abused by batterers and stalkers.

I asked the Minnesota Battered Women's Coalition to submit testimony for my hearing. Two stories from their testimony jumped out at me. One was of a woman from St. Louis County, MN. The Presiding Officer knows St. Louis County very well. It extends from Duluth all the way up to the Canadian border. It is a huge county, actually.

Recently, this woman had gone to a domestic violence program located in a county building. Within 5 minutes of entering the building, her abuser sent her a text message and asked her: Why are you in the county building? Soon after that, an advocate helped her get an order of protection against her abuser. To get that, she needed to go to the local courthouse. Soon after she filed the order of protection, the abuser texted her again. This time he asked: Why did you go the courthouse? Did you file for an order of protection against me? The advocates later concluded that this woman's abuser was tracking her via a location tracking service on her phone.

Another woman in Minnesota had a similar experience when she secretly entered a domestic violence shelter and her abuser started sending her text messages asking her: Why are you at a shelter? In fact, he started calling taxicabs to wait for her outside the shelter at all hours of the day. Again, in this case, advocates realized that this woman's abuser was tracking her through an app on her phone.

My goal with the Privacy Subcommittee is to try to find a balance between the wonderful benefits of modern technology and our need to protect our privacy. Right now, when it comes to smartphone location technology, we have an imbalance, because we are getting all the wonderful benefits, but we are not keeping our privacy. I think we can get both.

This problem is not going to fix itself. Let me tell you why I say that. After the hearing with Apple and Google, I asked representatives from each of those companies a simple question: Will you require that the apps you sell have privacy policies? In fact, I also asked them this: Even if you do not require that all the apps you sell have privacy policies, will you at least require privacy policies for just the apps that can get your location?

Well, by last week, both companies had answered my questions. Let me summarize their answers: No.

I think Congress needs to act. That is why today I am introducing the Location Privacy Protection Act of 2011. This piece of legislation is founded on a simple principle: that consumers have a right to know what information is being collected about them and how it is being used, and that they have a right to decide who will get that information, and with whom they can share it.

This bill will fill gaps and loopholes in current Federal law to give consumers four simple protections.

First, the bill says that anytime your wireless company or a company such as Google or Apple or an app developer wants to get your location from your smartphone, they need to get your permission first.

Second, if they want to give your information to a third party, they also need to get your permission. This does not mean that our smartphones are going to be clogged with permission screens. No. This can be done with one simple screen. My bill does not require a new permission screen from every subsequent company that gets your location. That would be impractical. It would not be smart.

The third thing it does is require companies that collect and aggregate the location information from thousands of consumers to take reasonable measures to protect that information from foreseeable threats.

Finally, if a consumer writes one of these companies and asks: Hey, do you have my location information, that company has to answer that user yes or no. And if the user asks for his or her information to be deleted, the company has to honor that request.

When I wrote the bill, I looked at the way other current digital privacy laws were being enforced. Most of them have

what is called a private right of action that allows a consumer to get their day in court if their rights are violated. I know that many entrepreneurs find these burdensome, so I wrote the private right of action clause such that it would only kick in if no Federal or State authority decides to act.

I also included exceptions in the bill to make it easier for parents to keep track of their children, for companies to protect against fraud and use location information that is anonymous, and for emergency responders to get to the scene of an accident without any redtape.

In fact, this bill does not cover law enforcement at all. It governs only what private companies do with our information, and what companies they share it with.

I am proud to have worked on this bill with my friend from Connecticut, Senator BLUMENTHAL. I am equally proud the bill has the support of the Center for Democracy and Technology, Consumers Union, Consumer Action, the National Association of Consumer Advocates, the National Consumers League, the National Women's Law Center, the National Center for Victims of Crime, the National Network to End Domestic Violence, and the Minnesota Public Interest Research Group.

This bill will bring us back to a better balance between the benefits of smartphone technology—and they are wonderful—and our right to privacy, which is basic. It was written with input from consumer advocates and industry alike. But even after today, I will continue to work with these groups to make sure our bill is getting that balance right. I look forward to those conversations.

Mr. FRANKEN. Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Ms. LANDRIEU. Madam President, I ask unanimous consent that the period of morning business be extended until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each.

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

FEMA

Ms. LANDRIEU. Madam President, I rise to bring to the Senate's and the Congress's attention a great challenge that we have before us relative to the budget of the Department of Homeland Security and, frankly, it is a challenge facing the entire budget of the United States. That challenge is to make sure we have enough funding in the disaster emergency account to cover the multitude of disasters that have taken place this year since January, as well as those we are still recovering from in the past.

I will put up a chart to show, in dramatic fashion, that this is an unprecedented situation we are facing. Since January of this year, 36 States have had disasters declared. This may be the largest number of States in the shortest period of time, at least in recent memory, and potentially in history. This is a challenge to the budget because, as you know, under our law the Federal Government is by law—it attempts to be every day—a reliable and trustworthy partner for cities, towns, and States that have been devastated by tornadoes, wildfires, hurricanes, et cetera.

Most recently, our minds, our eyes, and our hearts have been focused on Missouri, with the terrible devastation to several of their cities—most notably Joplin. But we remember a few weeks ago the tornadoes that ripped through the southern part of the United States—in Alabama particularly, in Georgia, and in some parts of Arkansas; and there was flooding in other parts of the country as well.

This is what Mother Nature has brought to us. We cannot control that. But what we can control is how we respond to it. That is what I want to speak to today. I want to begin with a quote from David Maxwell from the Arkansas Department of Emergency Management. He said this in the Washington Post on April 30:

> Anything that we've asked for, they've gotten us.

He was referring to FEMA.

Gregg Flynn, a spokesman with the Mississippi Emergency Management Agency, said Fugate and FEMA ''are unbelievably proactive towards the states. They don't wait for things to happen. By the time the storm is out of the way, they want to know what we need.''

This is very good testimony, because many of us, including the occupant of the chair, have worked hard to make a better, stronger, more proactive FEMA. In large measure, we have accomplished that, although there are still challenges for that agency. The biggest challenge right now is that unless the Senate, the House, and the President do something differently, we are not going to have the money we need to take care of these disasters.

So for people on the ground, like David Maxwell in Arkansas, and Gregg Flynn in Mississippi, and whether it is Paul Rainwater, a CEO from my State who is still struggling in the aftermath of Katrina and Rita 6 years ago, we are going to literally run out of money in the disaster emergency relief fund in January of this year.

Let me put up a chart to show the challenge that is before us. The President requested $1.8 billion, which is a reasonable request based on past averages of disasters, which we are prepared to budget in the base budget of Homeland Security. Unfortunately, the estimate of the low end of these disasters—again, there were 36 since January 1, and disasters happen in all 50 States—the estimate is that we need $3.8 billion at the low end, and at the high end it is $6.6 billion. So between $3.5 billion and $6.5 billion is required. But we have budgeted only $1.8 billion in the base of Homeland Security.

As chair of this committee, I can tell you that our committee cannot absorb in its base the entire weight and cost of these disasters. The Homeland Security budget has never in its history absorbed 100 percent. We do a rough and good-faith estimate of what it might be, but these are exceeding even our expectations of what the disasters would be. Of course, no one is in a position to be able to foretell the future. Our Secretary of Homeland Security brought a great deal of skill and expertise as a former Governor, an excellent manager, and all the prerequisite academic credentials, but she didn't show up on this job with a magic wand and a fortune teller's globe. She doesn't have those tools available to her to be able to see into the future every disaster and what kinds of disasters are going to happen to the country. All we can come forward with is a good-faith estimate, which we did, at $1.8 billion.

The reason I come here today is to say there is a gap that must be filled. I am strongly recommending that this Congress fund this off budget in an emergency line item, which is what we have done 95 percent of the time in the last 40 years. Since 1992, $110 billion of the $130 billion appropriated to the DRF has been emergency spending. These events are unpredictable. You cannot plan for it. We must respond by law. If we don't, then projects all over this country will shut down.

I remind everyone that they are projects that create jobs—not only do they restore hope and rebuild communities, but the projects create jobs. To list a few of them, there are the repairs for two very important roads in Hawaii, which could potentially be stopped; sewer line repairs at a pump station replacement in Gary, IN; the townhall in the village of Gulfport, which hasn't been rebuilt since the storm, for 6 years, which is under construction—that could be halted. That is a dozen or more jobs in that small town of Gulfport. Those are not big numbers nationally, but that is important to that city. There is an elementary safe room being built in Kansas now. That is a few jobs there, but it is important to the couple of hundred schoolchildren who were terrorized by tornadoes sweeping through that area. I can go on and on. In Missouri, the Polk County bridge collapsed, which is very inconvenient for people having to cross that every day. I am not personally familiar with it, but I can imagine