

the hearings and helped the committee to develop the proposal contained in this bill.

I congratulate Representative GOODLATTE for his work on this bill. He began the effort in the House to update the VPPA and has worked with me to reach this final product. I look forward to working with him to update another critical digital privacy law, the Electronic Communications Privacy Act, ECPA, in the new year. The Senate Judiciary Committee reported a good proposal to ensure a warrant requirement for e-mails and we should move forward quickly to enact it.

The bill we enact today takes several important steps to accommodate new technologies, like video streaming and social networking, while also helping to protect digital privacy rights in cyberspace. First, the bill updates the Video Privacy Protection Act to keep pace with how most Americans view and share videos today—on the Internet. This bill will allow American consumers, if they wish, to share their movie and television watching experiences through social media, while also ensuring that the important privacy protections in this law are not diminished.

Second, to protect the privacy of American consumers, the bill retains key privacy protections already in the VPPA which require that consumers “opt-in” to the sharing of their video viewing information. The bill similarly retains the requirement in current law that consumers provide informed written consent to share video viewing information. Moreover, to ensure that consumers have control over their own video viewing data, the bill provides that consumers may “opt-in” to the information sharing on an ongoing basis for a period of up to 2 years at a time. Consumers may “opt-out” of the information sharing at any time.

Lastly, the bill requires that the opportunity for a consumer to withdraw consent to the disclosure of video viewing information must be presented in a clear and conspicuous manner. This provision requires a video tape service provider to provide one of two opportunities for the consumer to withdraw consent: on a case-by-case—i.e., per title—basis, or to withdraw consent for ongoing disclosures. The bill does not,

however, specify where on a Web site, or in what form, the opportunity to withdraw consent should be provided.

Like many Americans, I am concerned about the growing and unwelcome government intrusions into our private lives in cyber space. Last month, the Judiciary Committee overwhelmingly passed my legislative proposal to update the Electronic Communications Privacy Act, ECPA, to require a search warrant in order for the government to obtain our e-mail and other electronic communications stored with third-party service providers. When we worked to enact ECPA in 1986, no one could have imagined the way the Internet and mobile technologies would transform how we communicate and exchange information today. But, after three decades, this critical privacy law has been outpaced by the explosion of new technologies and the expansion of the government’s surveillance powers.

My Electronic Communications Privacy Act updates would revive and enhance the privacy protections afforded to Americans’ e-mails and other electronic communications by establishing a warrant requirement for all e-mail content when stored with a third-party service provider or “in the cloud.” There are limited exceptions to this requirement under current law. I have worked to make certain that these updates carefully balance privacy interests, the needs of law enforcement, and the interest of our thriving American tech sector.

When the Congress enacted the Electronic Communications Privacy Act in 1986, we did so with strong, bipartisan support. Today, we continue that long and proud tradition of coming together across Chamber and party affiliation by enacting this update to the VPPA. My legislative reforms to the Electronic Communications Privacy Act are likewise deserving of such broad and bipartisan support. I urge us to join together in the Congress to enact these important privacy updates without delay.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

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

The bill (H.R. 6671) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR FRIDAY, DECEMBER 21, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Friday, December 21, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate begin consideration of the conference report to accompany H.R. 4310, the National Defense Authorization Act under the previous order; and that following disposition of the conference report, the Senate then proceed to vote on the motion to invoke cloture on the substitute amendment to H.R. 1; further, that the mandatory quorum with respect to rule XXII be waived; further, the filing deadline for second-degree amendments to H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill, be 1:30 p.m. on Friday.

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

PROGRAM

Mr. DURBIN. There will be a rollcall vote at approximately 2 p.m. tomorrow on the adoption of the Defense authorization conference report. Additional votes are expected and we hope to reach agreement on the supplemental and FISA tomorrow.

ADJOURNMENT UNTIL 1 P.M. TOMORROW

Mr. DURBIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 9:24 p.m., adjourned until Friday, December 21, 2012, at 1 p.m.