

Statement of
The Honorable Patrick Leahy

United States Senator
United States Senate
September 13, 2012

Today, the Committee has a full agenda, with an important nomination to head antitrust protection and several legislative initiatives. I am prepared to proceed to their substance and hope we will have cooperation to do so given the Senate calendar and approaching recess. One of the bills I included on the agenda was just reintroduced this week, but it has bipartisan support and is a matter we have considered favorably before.

One of the most important matters for us to consider is Americans' privacy. The House has sent us a bill to update the Video Privacy Protection Act -- a privacy law that I authored in the 1980s. Senator Franken held a hearing on these issues in our Privacy Subcommittee. I want to update our digital privacy laws to keep pace with the rapid advances in technology, including another law I authored to protect Americans' electronic communications privacy.

When Congress first enacted these two privacy laws almost three decades ago, email was still a novelty and most Americans viewed movies at home on VHS tapes rented at their local video store. In the digital age, we face many new threats to privacy, as new technologies have evolved. The explosion of cloud computing, social networking sites, video streaming and other new technologies require that Congress take action to bring our privacy laws into the digital age. I hope that all Members of the Committee will support the important privacy proposals I have circulated that protect Americans' privacy rights in accordance with the Constitution's warrant requirement for a Government search. I also want individuals whose communications are being disclosed to the Government to be provided notice.

I have been working on these privacy updates for some time and have reached out to other Senate offices as well as those in the privacy, civil liberties, technology and law enforcement communities. I filed an earlier version of my amendment in connection with the cybersecurity legislation back in July and circulated it again yesterday. I am mindful that we must update these privacy laws in a way that does not inadvertently undermine law enforcement's ability to keep us safe while protecting Americans' privacy. We all should also recognize that improving the privacy protections for our personal information in cyberspace also improves the confidence of American consumers and businesses to continue to purchase, use, and invest in new American technologies.

A broad coalition of more than [40] privacy, civil liberties and tech industry leaders from across the political spectrum have endorsed my legislation. I urge Members of this Committee to join in supporting these important privacy proposals.

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