

**Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Committee On The Judiciary,
On Committee Consideration Of
The Electronic Communications Privacy Act Amendments Act of 2013
April 18, 2013**

The acts of heroism in the wake of the tragedy in Boston on Patriot's Day remind us of the resilience of the American spirit and the importance of the fundamental American values that we share. Americans have always stood for fundamental rights. As the FBI and our other law enforcement agencies work to bring those responsible for the bombings to justice, let us continue our work to protect the rights of all Americans. Today we have the opportunity to move forward on a bipartisan proposal, consistent with the Fourth Amendment, to better protect the "right of the people to be secure in their persons, houses, papers and effects" against Government intrusions into our private lives.

Today, I am asking this Committee to consider bipartisan privacy legislation that I authored with Senator Lee to update the Electronic Communications Privacy Act, so that the right to privacy contained in the Bill of Rights remains intact for future generations. The Leahy-Lee *Electronic Communications Privacy Act Amendments Act* will require the Government to obtain a search warrant, based on probable cause, before obtaining our email and other electronic communications. The bill will also ensure that Americans are notified when the Government obtains this sensitive personal information, so that we can better protect our privacy rights.

Millions of Americans filed their Federal income taxes this week. Like many Americans, I have been concerned about reports that the Internal Revenue Service may be reading our private emails without first obtaining a search warrant. I have long believed that our Government should obtain a search warrant -- issued by a court -- before gaining access to private communications. I have worked over the last several years to update our Federal privacy laws to better safeguard our privacy rights in the digital age.

I thank Senator Lee for working with me on this legislation. Our bill is carefully drafted to ensure that the privacy safeguards in the legislation will not hinder the important work of law enforcement. Our bill is also supported by a broad and diverse coalition of individuals and organizations from across the ideological spectrum that understand that safeguarding the privacy rights of every American is essential in a free society.

When the first Congress and the States adopted the Fourth Amendment to the Constitution as part of the Bill of Rights, Americans understood that the peoples' right to be free of unwarranted Government intrusion is a fundamental right in any free society. More than two centuries later, safeguarding Americans' privacy rights remains something that should be important to all of us,

regardless of political party. In the wake of the attacks upon our values this week in Boston, I hope that the Committee and this Congress will join together to enact these commonsense privacy law updates with strong bipartisan support. I urge all Members of the Committee to support this ECPA reform legislation.

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