

Whereas, on March 18, 2012, Nicholas Kristof of the New York Times wrote in an opinion piece entitled "Where Pimps Peddle Their Goods" that "[t]here are no simple solutions to end sex trafficking, but it would help to have public pressure on Village Voice Media to stop carrying prostitution advertising";

Whereas, on March 29, 2012, Change.org delivered a petition signed by more than 240,000 individuals to Village Voice Media, calling on the company to shut down the "adult entertainment" section of Backpage.com;

Whereas, on January 12, 2012, John Buffalo Mailer, son of Village Voice co-founder Norman Mailer, joined the Change.org petition to shut down the "adult entertainment" section of Backpage.com, stating, "For the sake of the Village Voice brand and for the sake of the legacy of a great publication, take down the adult section of Backpage.com, before the Village Voice must answer for yet another child who is abused and exploited because you did not do enough to prevent it.";

Whereas, on March 30, 2012, a private equity firm owned by Goldman Sachs Group, Inc. completed a deal to sell its 16 percent ownership stake in Village Voice Media back to management;

Whereas, in *M.A. ex rel. P.K. v. Village Voice Media Holdings, LLC* (809 F. Supp. 2d 1041 (E.D. Mo. 2011)), the United States District Court for the Eastern District of Missouri held that section 230 of the Communications Act of 1934 (47 U.S.C. 230) (as added by section 509 of the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 137)) protects Backpage.com from civil liability for the "horrific victimization" the teenage plaintiff suffered at the hands of the criminal who posted on the website to perpetrate her vicious crimes; and

Whereas the Communications Decency Act of 1996 (Public Law 104-104; 110 Stat. 56) and the amendments made by that Act do not preclude a service provider from voluntarily removing a portion of a website known to facilitate the sexual exploitation of minors in order to protect children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the efforts of law enforcement agencies to provide training to law enforcement agents on how to identify victims of sex trafficking, investigate cases of sex trafficking, prosecute sex trafficking offenses, and rescue victims of sex trafficking;

(2) supports services for trafficking victims provided by the Federal Government, State and local governments, and non-profit and faith-based organizations, including medical, legal, mental health, housing, and other social services; and

(3) calls on Village Voice Media Holdings, LLC to act as a responsible global citizen and immediately eliminate the "adult entertainment" section of the classified advertising website Backpage.com to terminate the website's rampant facilitation of online sex trafficking.

#### 2012 HEISMAN MEMORIAL TROPHY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 617 and the Senate proceed to its consideration.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 617) congratulating the recipient of the 2012 Heisman Memorial Trophy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

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

The resolution (S. Res. 617) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 617

Whereas, for the 78th time, the Heisman Memorial Trophy has been awarded to the most outstanding collegiate football player in the United States;

Whereas Johnny Manziel overcame intense competition and defied expectations during Texas A&M University's first year in the Southeastern Conference;

Whereas Manziel led the 2012 Texas A&M Aggie football team to a regular season record of 10 wins and 2 losses;

Whereas Manziel was awarded the Davey O'Brien National Quarterback Award as the top quarterback in the National Collegiate Athletic Association;

Whereas Manziel became the first freshman, and only the fifth player ever, in National Collegiate Athletic Association Football Bowl Subdivision history to achieve 3,000 passing yards and 1,000 rushing yards in a season;

Whereas Manziel became the first player in the Football Bowl Subdivision to pass for 300 yards and rush for 100 yards in the same game 3 times in his career;

Whereas Manziel holds the freshman record for quarterback rushing yards (1,114) and total yards in a season (4,600);

Whereas Manziel was assisted by the leadership of Southeastern Conference Co-Coach of the Year Kevin Sumlin, the exceptional protection of the offensive line anchored by Outland Trophy winner Luke Joeckel, and Texas A&M's 12th Man;

Whereas Manziel became the second Heisman Trophy winner at Texas A&M, preceded by John David Crow in 1957;

Whereas Manziel started the development of his athletic capabilities before attending Texas A&M in the cities of Tyler, Texas, and Kerrville, Texas;

Whereas 2012 marks the eighth time a player at a university in Texas has won the Heisman Trophy and back-to-back years of keeping the award in Texas;

Whereas the hullabaloo of Manziel becoming the first freshman to win the Heisman Trophy is another testament to the strength and skill of Texas football; and

Whereas Manziel has combined incredible talent with hard work and a good heart: Now, therefore, be it

*Resolved*, That the Senate congratulates the recipient of the 2012 Heisman Memorial Trophy.

#### DESIGNATING THE CHAIRMAN OF THE SENATE COMMITTEE ON APPROPRIATIONS

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of S. Res. 627 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 627) designating the Chairman of the Senate Committee on Appropriations.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

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

The resolution (S. Res. 627) was agreed to, as follows:

#### S. RES. 627

*Resolved*, That the following Senator is designated as chairman of the following committee:

COMMITTEE ON APPROPRIATIONS: Ms. Mikulski, of Maryland.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### OBTAINING A CONSUMER'S INFORMED, WRITTEN CONSENT ON AN ONGOING BASIS THROUGH THE INTERNET

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6671 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6671) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, we are enacting legislation to update the Video Privacy Protection Act, VPPA, in order to permit the ongoing sharing of video viewing information via the Internet. This bill contains important digital privacy provisions that I authored in the Senate to ensure consumer control over video viewing information.

During my more than three decades in the Senate, I have worked to protect the privacy rights of American consumers. In doing so, I have joined with Democrats and Republicans alike to help guarantee the right to privacy for every citizen. Last month, the Judiciary Committee favorably reported legislation that included these video privacy updates with strong bipartisan support. I commend Senator FRANKEN for his exceptional work on this measure as the chairman of the Judiciary Committee's Subcommittee on Technology, Privacy and the Law. He held

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.