

its version of the Transportation bill, MAP-21, a requirement that the National Highway Traffic Safety Administration, NHTSA, initiate a rule-making to require passenger vehicles and light-duty trucks to include EDRs.

At the same time, there were many legitimate questions regarding what impact expanding EDRs to all passenger vehicles would have on consumer privacy. Who owns the data? Who can access the data? It became clear that an effective EDR provision would need to strengthen driver and vehicle safety while protecting consumer privacy, and the EDR provision was removed from the final transportation bill.

Over the past 2 years, NHTSA has continued to work with law enforcement safety groups and the automobile manufacturers to ensure the safety benefits of EDRs, which could reach the most consumers. The auto manufacturers had already begun expanding the inclusion of EDR technology in more new vehicles each year. EDRs became so commonplace that 96 percent of 2013 cars and trucks had the EDR built in, and NHTSA and the industry it regulates, the automakers, were able to agree that all new cars and trucks should have an EDR in place in September 2014. I am not sure everyone who goes out and buys a car is aware of this, but by 2014 every single car and truck will have this capability.

However, NHTSA does not have the authority to address the consumer privacy concerns related to EDRs that have remained outstanding for 2 entire years. We have seen an enormous increase in new cars and trucks containing the EDRs, and that is where Senator HOEVEN comes in.

Congress does have the authority to clarify ownership of EDR data, and that is why we are introducing the Driver Privacy Act, along with 12 other Senators. Our bill makes crystal clear that the owner of the vehicle is the rightful owner of the data collected by that vehicle's EDR, and it may not be retrieved unless a court authorizes retrieval of the data, the vehicle owner or lessee consents to the data retrieval, the information is retrieved to determine the need for emergency medical response following a crash, or the information is retrieved for traffic safety research, in which case personally identifiable information is not disclosed. So that is where you have it.

We have worked hard with safety groups and law enforcement to make sure this would work for them. You would need a court authorization or you would need a consent or you would need a determination that it is needed to determine the cause of a crash or it is needed for research, and in that case, no identifiable data.

This was really important for me, as a former prosecutor, that we made this work for law enforcement and our safety groups, but, most importantly, our goal was to make it work for the individual consumers, the citizens of the

United States of America. We realize while all of this was done for good intentions, no one had taken the broom behind and made sure the American people were protected.

Having just left a judiciary hearing this afternoon about NSA and data collection and privacy and civil liberties, it was very timely that I came over here. While this may not quite have the huge ramifications of that hearing, I do think to myself that maybe if people thought ahead a little bit, we wouldn't have been sitting in that hearing. That is what we are trying to do with this bill. We are trying to think ahead so we can keep up with the technology so it doesn't beat us out and it doesn't beat our constitutional rights out.

I have seen firsthand the devastating effects automobile crashes can have on families as they are forced to say goodbye to a loved one much too early. Oftentimes families just want answers. They want to know what happened and why. EDRs can help provide those answers. Our bill accounts for those needs of law enforcement and these families. You don't have to take my word for it. The International Association of Chiefs of Police has concluded that the Data Privacy Act will not cause any additional burden to law enforcement agencies in accessing the data they need.

Advancements in technology oftentimes force us to take a look at related laws to ensure they remain in sync. Senator HOEVEN and I are introducing the Driver Privacy Act to do just that. Our bill strikes that balance between strengthening consumer privacy protections while recognizing that EDR data will be required to aid law enforcement, advance vehicle safety objectives, or to determine the need for emergency medical response following a crash.

I thank Senator HOEVEN for his leadership. He is a true bipartisan leader. We have worked together on many bills. When we work together, I always say the Red River may technically divide our States, but it actually brings us together, whether it is about flood protection measures or important bills such as this. I appreciate the opportunity to work with him on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I thank Senator KLOBUCHAR for joining me on this legislation and working to develop a great group of 14 original co-sponsors.

Senator KLOBUCHAR brings such a great background as a prosecutor in the law enforcement industry and truly understands law enforcement issues, safety issues, and the informational benefits there are with not only event data recorders, but also understands the need to protect individual privacy.

As I think we both said very clearly here on the Senate floor, this is a technology that is new and evolving. It is not just that this is a new and evolving

technology where new capabilities are being added all the time, we don't know what additional capabilities will be added.

But now the Federal Government is requiring that this device be in every single automobile made. So when the Federal Government—the U.S. Department of Transportation, NHTSA, the safety branch—steps up and says: OK, we are going to require this device to be in every single car, we need to make sure we are also providing the privacy that goes with it that assures our citizens that their Fourth Amendment rights will be protected.

Again, I think the Senator from Minnesota makes a really great point that when we look at some of these areas in terms of whether it is NSA, IRS, or other areas, people feel there wasn't enough work done on the front end to protect their personal privacy, so we are in a catchup situation. Let's not do that when every single citizen across this country owns or their family owns or has access to some type of automobile. That is what we are trying to do.

Again, as the technology develops we need to understand what the ramifications are and how to protect privacy. I think, on behalf of both of us, we are appreciative that we have 14 Senators engaged already, and we look to add, and we are open to ideas on making sure this is the right kind of legislation that addresses safety but ultimately protects the privacy of our citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2649. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, Mr. BEGICH, Mr. MCCAIN, Ms. AYOTTE, Mr. BURR, and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table.

SA 2650. Mr. PORTMAN submitted an amendment intended to be proposed to amendment SA 2631 proposed by Mr. REID (for Mr. REED) to the bill S. 1845, supra; which was ordered to lie on the table.

SA 2651. Mr. HELLER (for himself, Ms. COLLINS, Ms. AYOTTE, Mr. COATS, Ms. MURKOWSKI, Mr. PORTMAN, Mr. ISAKSON, and Mr. HOEVEN) submitted an amendment intended to be proposed by him to the bill S. 1845, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2649. Mr. COBURN (for himself, Mr. TESTER, Mr. UDALL of Colorado, Mr. BEGICH, Mr. MCCAIN, Ms. AYOTTE, Mr. BURR, and Mr. TOOMEY) submitted an amendment intended to be proposed by him to the bill S. 1845, to provide for the extension of certain unemployment benefits, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 10. ENDING UNEMPLOYMENT PAYMENTS TO JOBLESS MILLIONAIRES AND BILLIONAIRES.

(a) PROHIBITION.—Notwithstanding any other provision of law, no Federal funds may