



February 6, 2018

The Honorable Orrin Hatch
United States Senate

The Honorable Chris Coons
United States Senate

The Honorable Lindsey Graham
United States Senate

The Honorable Sheldon Whitehouse
United States Senate

The Honorable Doug Collins
United States House of Representatives

The Honorable Hakeem Jeffries
United States House of Representatives

The Honorable Darrell Issa
United States House of Representatives

The Honorable Suzan DelBene
United States House of Representatives

The Honorable Tom Marino
United States House of Representatives

The Honorable John Rutherford
United States House of Representatives

Dear Senators Hatch, Coons, Graham, Whitehouse, and Representatives Collins, Jeffries, Issa, DelBene, Marino, and Rutherford:

We write to express our support for your leadership on efforts to reform our outdated laws regarding law enforcement access to data.

These laws create uncertainty that frustrates the legitimate interests of law enforcement agencies and fails to consider the interests of foreign governments and their citizens. That uncertainty undermines confidence and trust in the services provided by businesses in the U.S., and it creates barriers to greater international harmonization of privacy, due process, and human rights standards.

For that reason, we believe that U.S. laws governing privacy and law enforcement access to data must be updated to address the realities of our connected world. The newly introduced *Clarifying Lawful Overseas Use of Data (CLOUD)* Act is an important step toward modernizing the United States' approach to these challenges and would establish strong human rights norms to govern law enforcement's ability to gather cross-border evidence in support of legitimate criminal and counterterrorism investigations.

Importantly, the CLOUD Act emphasizes cooperation between the U.S. government and foreign countries by creating a pathway toward bilateral agreements to address cross-border data access and would provide mechanisms to address conflicts of law when they do exist. The bill would establish a clear statutory right for providers to challenge an order that would create a conflict of law with a qualifying foreign government – that is, a foreign government that has a reciprocal agreement with the U.S. It would also permit the provider to inform a qualifying foreign government if a warrant has been issued for content stored in that government's territory. These provisions would greatly improve cooperation and dialogue among countries in the digital age.

Your legislation continues the important work of modernizing our privacy laws to reflect current realities.

Thank you again for your leadership on these important issues.

Sincerely,

Act | The App Association
BSA | The Software Alliance
Coalition of Services Industries (CSI)
Computer & Communications Industry Association (CCIA)
Computing Technology Industry Association (CompTIA)
Consumer Technology Association (CTA)
Internet Association
Information Technology Industry Council (ITI)
National Association of Manufacturers (NAM)
NetChoice
Reform Government Surveillance
Software and Information Industry Association (SIIA)
TechNet
Telecommunications Industry Association (TIA)
U.S. Chamber of Commerce

cc:

Chair and Ranking Member of Senate Judiciary Committee
Chair and Ranking Member of House Judiciary Committee
Senate Majority Leader
Senate Minority Leader
Speaker of the House
House Majority Leader
House Minority Leader
House Democratic Whip