



Senator Charles E. Grassley, Chairman  
Senate Judiciary Committee  
U.S. Senate  
Washington, D.C. 20510

Rep. Bob Goodlatte, Chairman  
House Judiciary Committee  
U.S. House of Representatives  
Washington, D.C. 20515



Dear Chairman Grassley and Chairman Goodlatte,

On behalf of the millions of members and supporters of the undersigned organizations, we write to express our support for S. 2986/H.R. 5323, the International Communications Privacy Act of 2016 (ICPA), and urge you to enact this important legislation. ICPA would provide much-needed clarity for U.S. law enforcement agencies to obtain electronic communications stored abroad. The bill contains provisions that would protect the privacy of American citizens, promote cross-border data flow, provide adequate tools for law enforcement, and enhance the nation's global trade agenda.

American businesses have taken the lead in cloud computing technologies, enabling citizens around the world to communicate with each other, store photos, videos, and documents with greater security and at lower costs. However, as this technology continues to evolve, challenges in protecting individual privacy become more evident. U.S. law enforcement has used warrants under the Stored Communications Act (SCA) to seek data of foreign citizens if that data is held by U.S. companies and stored outside of the U.S. That authority was overturned by the U.S. Court of Appeals for the Second Circuit on July 14, 2016. The court held that "Congress did not intend the SCA's warrant provisions to apply extraterritorially." Instead, the Mutual Legal Assistance Treaty (MLAT) process would "ordinarily govern the conduct of cross-boundary criminal investigations."

S. 2986/H.R. 5323 would require U.S. law enforcement agencies to obtain a warrant for the content of electronic communications stored with electronic communications service providers and remote computing service providers. The legal framework will allow authorities to obtain the electronic communications of U.S. persons, regardless of where those communications are located. It also allows law enforcement to obtain electronic communications relating to foreign nationals in certain circumstances. S. 2986/H.R. 5323 reforms the MLAT process and provides greater accessibility, transparency, and accountability by requiring the attorney general to create an online docketing system for MLAT requests and publish new statistics on the number of such requests. The legislation also expresses the sense of Congress that data providers should not be subject to data localization requirements that are incompatible with the borderless nature of the internet, impede online innovation, and fail to meet the needs of law enforcement.

ICPA strikes the right balance between the legitimate needs of law enforcement and the privacy of American citizens, while enhancing international agreements. We strongly urge Congress to pass the ICPA legislation.

Sincerely,

Thomas A. Schatz, President, Council for Citizens Against Government Waste

Phil Kerpen, President, American Commitment

Grover Norquist, President, Americans for Tax Reform

Wayne Brough, Ph.D., Chief Economist and Vice President of Research, FreedomWorks

Andrew Langer, President, Institute for Liberty

Pete Sepp, President, National Taxpayers Union

David Williams, President, Taxpayers Protection Alliance