

October 25, 2017

Chairman Chuck Grassley
Senate Judiciary Committee
United States Senate

Ranking Member Dianne Feinstein
Senate Judiciary Committee
United States Senate

The Honorable Robert W. Goodlatte
Chairman
Committee on the Judiciary
2141 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
B-336 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Grassley, Ranking Member Feinstein, Chairman Goodlatte and Ranking Member Conyers:

We write to you today to express our strong support and urge committee consideration of H.R. 3718, the International Communications Privacy Act (ICPA), introduced by Rep. Doug Collins (R-Ga.), and Rep. Hakeem Jeffries (D-N.Y.), both members of the House Judiciary Committee. The legislation is also cosponsored by committee members Darrell Issa (R-Calif.), and Rep. Suzan DelBene (D-Wash.). Companion legislation, S. 1671, has been introduced in the Senate by Sen. Orrin Hatch (R-Utah), and cosponsored by Sen. Chris Coons (D-Del.), and Sen. Dean Heller (R-Nev.).

The last time the law regarding the federal government's ability to obtain data in other countries was addressed was 31 years ago with the Electronic Communications Privacy Act (ECPA). Committee consideration and passage of ICPA is needed to clarify the law about electronic data, protect consumers, and assist law enforcement. Data sharing and information storage is spread throughout the world, occurs across borders, and often takes place in the cloud. These realities are very different from those that existed in the electronic communications space over three decades ago.

In cases where electronic data of American citizens is stored overseas, U.S. law enforcement will be required to obtain a warrant before they can access the requested data. ICPA also allows for prior notification to foreign governments about warrants issued by American authorities. ICPA puts in place a predictable, cooperative framework for coping with the legal challenges that exist in a world where data and communications are electronically based, and increasingly unconstrained by borders. It encourages cooperation with domestic and foreign law enforcement officials, while protecting the rights of American citizens and their data.

ICPA is an important step in modernizing the legal regime surrounding electronic communication in a way that will help protect the rights of American citizens, provide clear guidelines for law enforcement, and improve engagement between domestic and foreign law enforcement. This will help create an environment in which American technology companies can continue to innovate, provide valuable services to their customers, and help keep the American technology sector on the cutting edge of innovation while producing jobs.

We urge the committee to consider and pass ICPA at the earliest possible opportunity. House members should be afforded the chance to pass this legislation, and provide a needed update to ECPA, which has been eclipsed by technology its authors could not foresee.

Sincerely,

Phil Kerpen
President
American Commitment

Steve Pociask
President
American Consumer Institute

Grover G. Norquist
President
Americans for Tax Reform

Norm Singleton
President
Campaign for Liberty

Jim Harper
Vice President
Competitive Enterprise Institute

Tom Schatz
President
Council for Citizens Against Government Waste

Katie McAuliffe
Executive Director
Digital Liberty

Matt Kibbe
President
Free the People

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

Pete Sepp
President
National Taxpayers Union

Arthur Rizer
Director of National Security and Justice Policy
R Street Institute

Karen Kerrigan
President & CEO
Small Business & Entrepreneurship Council

David Williams
President
Taxpayers Protection Alliance

