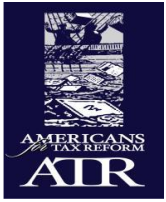


May 1, 2015



The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Bob Goodlatte
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515



COUNCIL FOR



Dear Chairman Grassley and Goodlatte:

The undersigned represent a broad coalition that encourages your support for the bipartisan Law Enforcement Access to Data Stored Abroad Act (the “LEADS Act”) introduced by Senators Hatch, Chris Coons, and Dean Heller in the Senate. The House bipartisan companion was introduced by Representatives Tom Marino and Suzan DelBene. This legislation will protect the privacy of American citizens, promote cross-border data flow and our global trade agenda, and provide the tools law enforcement needs.



Until now, the U.S. Government has relied on the Electronic Communications Privacy Act (ECPA) to reach data of foreign citizens stored abroad so long as the company storing the data had a presence on U.S. soil. This practice creates distrust of American businesses and encourages foreign citizens, companies and countries to stop doing business with U.S. companies operating overseas. Eventually, this will harm U.S. companies and threaten America’s leadership in cloud computing technology.



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Moreover, if the U.S. Government can obtain emails wherever stored simply by serving a warrant on a provider subject to U.S. process, nothing stops other countries – including China and Russia – from seeking to obtain emails of Americans stored on servers in the United States.



The LEADS Act addresses these problems by amending ECPA to clarify that law enforcement may use a warrant to obtain electronically stored communications overseas if the account-holder is a U.S. person. This extends the traditional reach of a warrant beyond U.S. borders, but is appropriately responsive to the global nature of electronic data storage in the 21st Century. The legislation provides that the U.S. law enforcement cannot require disclosure of data stored abroad if the data is not associated with a U.S. person or if accessing that data would violate the laws of the country where it is stored. Instead, the U.S. must work with the host country to obtain the data.



The proposed legislation also tracks other ECPA reform proposals that have gained broad support in both the House and the Senate. The LEADS Act updates the nearly 30-year old



law to require government officials to obtain a warrant for email and other digital content, thereby recognizing that the same privacy protections that apply to physical letters also apply to communications online.

Thank you for your attention to this important issue. We hope you will support the LEADS Act, which strikes the right balance between the legitimate needs of law enforcement and the privacy of American citizens.

Sincerely,

David Williams, President, Taxpayers Protection Alliance

Phil Kerpen, President, American Commitment

Katie McAuliffe, Executive Director of Digital Liberty and Federal Affairs Manager,
Americans for Tax Reform

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

Andrew M. Langer, President, Institute for Liberty

Lt. Col. Allen B. West (US Army, Ret), President/CEO, National Center for Policy Analysis

Seton Motley, President, Less Government

Colin A. Hanna, President, Let Freedom Ring

Erik Telford, Author, Red State