

February 12, 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, and Whitehouse, and Representatives Collins, Jeffries, Issa, DelBene, Marino, and Rutherford,

We applaud your leadership in introducing the bipartisan Clarifying Lawful Overseas Use of Data (CLOUD) Act of 2018. This bill provides a much-needed framework to define cross-border access to data in a way that reduces international conflicts, upholds privacy laws, and keeps Americans safe.

ACT | The App Association represents more than 5,000 app makers and connected device companies that create and support American jobs in every congressional district. Our small- and medium-sized member companies create innovative cloud-based solutions that improve workplace productivity, accelerate academic achievement, help people lead healthier lifestyles, and so much more. Every single one of these job-creating companies depends on the ability to access and transfer data, often times across international borders to reach and serve customers overseas.

Under current law, tech companies of all sizes face uncertainty and unfortunate consequences when compliance with U.S. requests for data stored overseas conflicts with foreign data access laws. In particular, small businesses, the leading drivers of our economy, do not have the legal or financial resources to be stuck in the middle, or litigate conflicts between U.S. access requests and foreign privacy laws. Thankfully, the CLOUD Act recognizes that government-to-government cooperation is the only solution to address conflicts of law in cross-border access to data. We are glad that the CLOUD Act creates a framework to address legal disparities through comity agreements that provide due process rights according to citizenship. We believe this approach helps ensure people are protected by the rights provided by their government, regardless of where the person may be physically located or where their data may be stored.

The CLOUD Act will increase trust in the cloud by providing clarity around the laws that define access to the data. Under these rules, tech companies can clearly communicate their responsibility in protecting consumer data and meeting law enforcement requests.

We appreciate your introduction of this legislation and urge Congress to take the important and necessary first step of passing the CLOUD Act. Our members, and your constituents, will benefit from updated and clear laws that govern when and how law enforcement may access data stored overseas. We look forward to working with you as this legislation moves forward.

Sincerely,

A handwritten signature in black ink that reads "Morgan Reed". The signature is written in a cursive style with a large, prominent 'M' and 'R'.

Morgan W. Reed
President
ACT | The App Association