



The Global Voice of the Tech Sector



U.S. CHAMBER OF COMMERCE

July 14, 2016

The Honorable Charles E. Grassley
Chairman
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Robert W. Goodlatte
Chairman
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

The Honorable Patrick J. Leahy
Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Conyers
Ranking Member
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515

Re: International Communications Privacy Act (ICPA), S. 2986/H.R. 5323

Dear Chairman Grassley, Ranking Member Leahy, Chairman Goodlatte, and Ranking Member Conyers,

On behalf of the undersigned associations and their members, we write to support the bipartisan International Communications Privacy Act (ICPA), S. 2986/H.R. 5323, introduced by Senators Orrin Hatch (R-UT), Chris Coons (D-DE), and Dean Heller (R-NV), and Representatives Tom Marino (R-PA) and Suzan DelBene (D-WA). ICPA

represents a timely and thoughtful approach to provide much-needed clarity regarding U.S. law enforcement's ability to obtain electronic communications stored abroad.

Driven by the innovation and investment of American companies – large and small – the advent of distributed, remote cloud computing has revolutionized every aspect of the global economy. Access to cloud computing services has dramatically lowered IT costs and has increased business efficiencies across every single industry sector. The cloud has also enabled access to countless life-changing products and services, improving how we communicate, learn, conduct financial transactions, and more. Cloud services are responsible for the smartphones we rely on today and are empowering the rise of the Internet of Things, laying groundwork for a future where everyday products use the internet to communicate data collected through sensors, which is enabling improved real-time analytics-driven efficiencies unheard of even a few years ago.

To continue growing and creating jobs, companies in the United States naturally must compete for business across national borders. However, American companies face uncertainty in the U.S. legal process regarding when a company can be compelled to give up data stored by a foreign national. Due to the U.S. Department of Justice's actions in the courts, U.S. headquartered companies could find themselves providing data pursuant to U.S. law enforcement requests that did not go through the traditional Mutual Legal Assistance Treaty (MLAT) process or other appropriate data sharing agreements. This situation places these companies at a significant competitive disadvantage in the international digital economy.

We have worked extensively with Congress, civil society, law enforcement, and other stakeholders to find an effective path forward. Representing a carefully-negotiated solution stewarded by Senators Hatch, Coons, and Heller, along with Representatives Marino and DeBene, ICPA provides a resolution to this controversy by supporting law enforcement while preserving consumer privacy. ICPA reinforces that U.S. law enforcement must attain a warrant for any electronic content for U.S. persons, settles uncertainty around obtaining such information for foreign nationals, and augments international rule of law by improving the MLAT process.

We now call on Congress to pass ICPA as soon as possible. We must reinforce the international rule of law to increase our ability to compete globally and create jobs in the United States.

Sincerely,

ACT | The App Association
BSA | The Software Alliance
Computer & Communications Industry Association (CCIA)
Computing Technology Industry Association (CompTIA)
Consumer Technology Association (CTA)
Internet Association
Information Technology Industry Council (ITI)
Software & Information Industry Association (SIIA)
TechNet
Telecommunications Industry Association (TIA)
U.S. Chamber of Commerce

cc: Senator Orrin Hatch
Senator Chris Coons
Senator Dean Heller
Representative Tom Marino
Representative Suzan DelBene