

SUPPORT FOR THE CLOUD ACT OF 2018

CLARIFYING LAWFUL OVERSEAS USE OF DATA ACT

EXECUTIVE BRANCH AND FOREIGN GOVERNMENTS

"The Clarifying Lawful Overseas Use of Data Act, or Cloud Act, would preserve law and order, advance the United States' leadership in cybersecurity, ease restrictions on American businesses and enhance privacy standards globally. This is a priority for both of our governments."

— [Don't Let Criminals Hide Their Data Overseas](#) by Thomas P. Bossert, former assistant to the president for homeland security and counterterrorism, and Paddy McGuinness, the deputy national security adviser for Britain.

"Finally, the Prime Minister thanked the President for his personal help and support in securing the passage of the Clarifying Lawful Overseas Use of Data Act or CLOUD Act by the US, which will provide an important tool in the investigation of terrorist and other offences in the UK and keep people living here safer."

— [Statement from Downing Street](#) regarding a March 28 phone call between President Trump and Prime Minister Theresa May.

"I thank our US friends for their hard work to pass the #CLOUDAct today: a future UK-US agreement will protect privacy and allow UK and US law enforcement to share data to keep our people safe."

— [U.K. Foreign Secretary Boris Johnson](#)

"The CLOUD Act will greatly improve the efficiency of law enforcement's access to the information they need to do their job and strengthen protections of people's data, no matter where their data is held."

— [Australian Minister for Law Enforcement and Cyber Security Angus Taylor](#)

"The CLOUD Act also establishes important safeguards for lawful access to data based on adherence to human rights norms and the rule of law. This will strengthen protections for customer data held by US companies, no matter where it is physically stored."

— [Statement from Australian Government](#) on passage of the CLOUD Act

MEMBERS OF CONGRESS

"To help law enforcement, the bill creates incentives for bilateral agreements — like the pending agreement between the US and the UK — to enable investigators to seek data stored in other countries. The bill sets forth strict privacy, human rights, and rule of law standards that countries that enter into such agreements must meet. It also contains provisions to ensure that consumers are protected by their nation's own laws. Expediently implementing similar agreements with the European Union and other allies is critical to protecting consumers around the world and facilitating legitimate law enforcement investigations."

— [Senator Orrin Hatch \(R-Utah\)](#)

"In a globalized world, we need clear rules governing access to data stored abroad. I am encouraged that the legal framework included in today's bill is supported by law enforcement and the tech community. I am proud to join Sens. Hatch, Whitehouse, and Graham in advancing legislation that protects data across borders and encourages fair treatment by our international partners."

— [Senator Chris Coons \(D-Delaware\)](#)

"Solving the issue of cross-border data sharing needed to happen yesterday. As I said at the hearing I chaired last year on this matter, the United States Congress must deliver in short order to resolve this issue. It's unacceptable that law enforcement in the U.S. has been unable to obtain data from technology companies because of outdated laws. After convening lengthy negotiations between the Department of Justice and various representatives from the technology sector, we came up with a problem-solving framework outlined in the CLOUD Act. The legislation allows the U.S. — along with our partners — to create a process to obtain needed evidence, no matter where the data may be stored. The CLOUD

Act reflects the standards and interests of both federal, state, and local law enforcement, as well as the technology sector.”

— [Senator Lindsey Graham \(R-South Carolina\)](#)

“Law enforcement and tech companies both benefit from clear rules of the road that help solve crimes and bring criminals to justice and also honor consumers’ right to privacy for their data. This bill will help rule of law countries work together in a sensible legal framework to handle access to data stored around the globe.”

— [Senator Sheldon Whitehouse \(D-Rhode Island\)](#)

“Today marks one year since the Westminster terrorist attack in London. The #CLOUDact, part of the funding bill, paves the way for a US-UK Data sharing agreement that strengthens our ability to work together to combat terrorism.”

— [Speaker of the House Representative Paul Ryan \(R-Wisconsin\)](#)

“The digital age demands our vigilance in protecting the privacy and the safety of American citizens. The CLOUD Act paves the way for the U.S. to forge bilateral agreements establishing frameworks for fighting crime and terrorism and for guarding information stored electronically. It’s encouraging to see both bodies of Congress and both sides of the aisle join the Justice Department and tech community in supporting a wise, balanced approach to information storage in the 21st century.”

— [Representative Doug Collins \(R-Georgia\)](#)

“The CLOUD Act paves the way for the United States to enter modern bilateral agreements for effective investigations of cross-border crime and terrorism—without international legal conflicts—and ensures that customers and data holders are protected by their own nation’s privacy laws. Representative Doug Collins, Senators Orrin Hatch and Chris Coons, the Department of Justice, and our industry partners should all be thanked for their hard work and leadership in this regard,”

— [Representative Hakeem Jeffries \(D-New York\)](#)

“Updating our laws to reflect the way the world works in the 21st century has been one of my top priorities in Congress. I’ve supported a number of different proposals to reform our electronic privacy laws and will continue to push for those, including the CLOUD Act. This bill guarantees that users of technology have confidence that their privacy rights will be protected by due process while simultaneously ensuring law enforcement agencies have necessary access to information through a clear, legal framework to keep us safe.”

— [Representative Suzan DelBene \(D-Washington\)](#)

“As technology has made tremendous leaps and bounds forward, our digital privacy laws unfortunately have stayed frozen in time. Today, the growth of cloud computing, online storage, and other services are increasingly taking American data to servers and other facilities all across the world. This often creates conflict between different legal systems that can undermine consumer privacy and generate uncertainty as to when law enforcement may or may not access certain information on those servers. This bill updates digital privacy rights to strike an important balance that safeguards consumer privacy and establishes a clear framework to ensure requests for information comply with the law.”

— [Representative Darrell Issa \(R-California\)](#)

“The CLOUD Act represents compromise between industry stakeholders, the Department of Justice, and consumer groups. This legislation will resolve the uncertainty surrounding law enforcement access to data stored abroad, ensuring they can have timely access while protecting the privacy of consumers. I look forward to working with my House and Senate colleagues to ensure swift passage of the CLOUD Act.”

— [Representative Tom Marino \(R-Pennsylvania\)](#)

“During my 40 years in law enforcement, quality intelligence often made the difference in stopping crimes and bringing justice to victims. As our world’s information systems grow in complexity, it is essential we fix our outdated laws to ensure law enforcement agencies can access the critical information they need. This bill will update our data laws to protect citizens’ privacy rights and allow law enforcement to properly access data in today’s modern world. I thank my colleagues on both sides of the aisle for their hard work and commitment to keeping our world safe,”

— [Representative John Rutherford \(R-Florida\)](#)

“The compromise CLOUD Act contains important changes from the introduced version, including many requested by the House Judiciary Committee to protect Congress’s constitutional oversight powers and ensure that challenges can be brought in a court of law if US citizens’ emails are targeted.”

— [House Judiciary Committee Chairman Bob Goodlatte \(R-Virginia\)](#)

STATE ATTORNEYS GENERAL

“We believe these specific amendments to the SCA are a reasonable solution to the acute problems that have arisen with respect to the collection of foreign-stored data.”

— [National Association of Attorneys General letter signed by 36 state attorneys general](#)

ACADEMICS

“As these executive agreements move forward, all interested parties will have the opportunity to examine the proposed agreements, and offer their views about whether the Act’s privacy and human rights requirements are satisfied by that agreement. The executive agreements also provide a new mechanism for the United States to assess a foreign government’s demands for data and to ensure that the privacy protections demanded by the Act are in fact being complied with. Passage of the CLOUD Act, therefore, sets the stage for ongoing public debates about privacy and human rights standards for government access to data. It provides an opportunity to promote improvements in privacy and human rights practices with partner nations around the globe.”

— [What the CLOUD Act means for privacy pros](#) by Jennifer Daskal, an associate Professor at American University Washington College of Law and Peter Swire, the Huang Professor of Law and Ethics at the Georgia Tech Scheller College of Business, and Senior Counsel with Alston & Bird LLP.

OTHER GROUPS

“The CLOUD Act would settle long-contested legal questions around American law enforcement access to data and provide clarity for the thousands of American small businesses that rely on cloud computing to reach customers overseas.”

— [ACT | The App Association](#)

“Our current outdated laws create uncertainty regarding law enforcement access to data. The CLOUD Act would modernize those laws, enabling law enforcement to gather evidence abroad for the purposes of investigating serious crimes while still protecting individual privacy rights. The bill includes strong privacy protections around access to data, contains clear human rights protections, and maintains a robust role for Congress and the judicial system in overseeing agreements to obtain data.”

— [BSA | The Software Alliance](#)

“Congress has amended The Cloud Act to bolster both Congressional oversight of the bi-lateral data sharing agreements authorized by the Act and the civil liberties protections therein. Changes to the legislation include:

- *an extension of the Congressional review period for bi-lateral data sharing agreements from 90 to 180 days;*
- *an expedited procedure for Congress to reject bi-lateral agreements negotiated by the Department of Justice;*
- *a requirement that all revisions to bi-lateral agreements be subject to the same Congressional oversight as new agreements; and*
- *further reporting requirements for how a foreign country meets human rights and rule of law requirements for bilateral agreements.”*

— [The Chertoff Group](#)

“America's global standing is dependent on modernizing our privacy laws and data flow to match the realities of our connected world.”

— [Consumer Technology Association](#)

“The current laws regulating government access to cloud data are unworkable. They reduce the trust users have in the privacy of their digital information, place U.S. companies in the midst of conflicting laws, and leave U.S. and international law enforcement agencies without legal recourse. The CLOUD Act would help address these issues by establishing a clear mechanism for U.S. law enforcement to seek some data stored abroad, while also providing a balanced legislative framework that permits requests from foreign investigators whose countries remove conflicts of law, raise privacy standards, and respect human rights.”

— [Computer & Communications Industry Association](#)

“Video game networks span the globe, and it is vital that our system of privacy laws keep pace with an increasingly interconnected world. When law enforcement authorities from one country seek data stored on servers located in another country, their laws governing access sometimes conflict. By establishing a balanced legal framework for compelling the disclosure of electronic data stored in another country, the CLOUD Act will help prevent the release of private data in situations that might otherwise result in a conflict of legal rights and obligations.”

— [The Entertainment Software Association](#)

“It’s critical that we modernize U.S. privacy laws to reflect current realities of how data is stored around the world. Passing the CLOUD Act will enable law enforcement to gather data stored abroad for the purposes of investigating serious crimes, while still protecting individual privacy rights.”

— [The Internet Association](#)

“By demanding solid privacy protections before the CLOUD Act takes effect, international privacy protections will be helped rather than hindered.”

— [Carl Szabo, general counsel, NetChoice](#)

“Passing the CLOUD Act would safeguard our citizens’ privacy rights, ensure law enforcement has the tools they need to protect us, enhance cooperation between governments, and give Congress significant oversight power to make sure the law is properly enforced. We’re also encouraged that improvements have been made to stress the importance of preventing governments from forcing U.S. companies to create encryption backdoors.”

— [TechNet President and CEO Linda Moore](#)

“The CLOUD Act encourages diplomatic dialogue, but also gives the technology sector two distinct statutory rights to protect consumers and resolve conflicts of law if they do arise. The legislation provides mechanisms to notify foreign governments when a legal request implicates their residents, and to initiate a direct legal challenge when necessary.”

— [Joint letter from Apple, Facebook, Google, Microsoft and Oath](#)

“Importantly, the CLOUD Act emphasizes cooperation between the U.S. government and foreign countries by creating a pathway toward bilateral agreements to address cross-border data access and would provide mechanisms to address conflicts of law when they do exist.”

— [Multi-association letter in support of the CLOUD Act](#)