



February 6, 2018

Senator Orrin Hatch  
104 Hart SOB  
Washington, DC 20510

Senator Christopher Coons  
127A Russell SOB  
Washington, DC 20510

Senator Lindsey Graham  
290 Russell SOB  
Washington, DC 20510

Senator Sheldon Whitehouse  
530 Hart SOB  
Washington, DC 20510

Dear Senators Hatch, Coons, Graham, and Whitehouse:

The new Clarifying Lawful Overseas Use of Data (CLOUD) Act reflects a growing consensus in favor of protecting Internet users around the world and provides a logical solution for governing cross-border access to data. Introduction of this bipartisan legislation is an important step toward enhancing and protecting individual privacy rights, reducing international conflicts of law and keeping us all safer.

If enacted, the CLOUD Act would create a concrete path for the U.S. government to enter into modern bilateral agreements with other nations that better protect customers. Importantly, the legislation would require baseline privacy, human rights and rule of law standards in order for a country to enter into an agreement. That will ensure customers and data holders are protected by their own laws and that those laws are meaningful. The legislation would further allow law enforcement to investigate cross-border crime and terrorism in a way that avoids international legal conflicts.

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.

Our companies have long advocated for international agreements and global solutions to protect our customers and Internet users around the world. We have always stressed that dialogue and legislation - not litigation - is the best approach.

If enacted, the CLOUD Act would be notable progress to protect consumers' rights and would reduce conflicts of law. We appreciate your leadership championing an effective legislative solution, and we support this compromise proposal.

Sincerely,

Apple  
Facebook  
Google  
Microsoft  
Oath