

United States Senate

WASHINGTON, DC 20510

March 14, 2018

The Honorable Thad Cochran
United States Senate

The Honorable Patrick Leahy
United States Senate

Dear Senators Cochran and Leahy:

We write to ask that you do not include the CLOUD Act in the forthcoming appropriations bill.

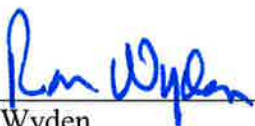
Senators Hatch, Coons, Graham, and Whitehouse recently introduced the CLOUD Act, which will permit foreign governments to directly obtain emails and other user data from U.S. technology companies without going through the Mutual Legal Assistance Treaty (MLAT) process, which requires a warrant from a federal judge.

While the MLAT process has its faults, the CLOUD Act places far too much power in the President's hands and denies Congress its critical oversight role. Specifically, the CLOUD Act permits the executive branch to enter into agreements with foreign governments and gives the House and Senate just 90 days to pass a resolution of disapproval to block it from going into effect. Instead of supplying a blanket preapproval of these agreements, Congress should examine each agreement and determine — on an individual basis — whether the prohibitions on warrantless surveillance of stored and real-time communications should be waived with respect to each country.

The CLOUD Act was introduced just five weeks ago and the legislation would benefit from informed debate and amendments. We are committed to working with the authors of the CLOUD Act to substantially improve Congress' oversight role in this legislation. Foreign governments should only be permitted to engage in lawful surveillance that bypasses U.S. courts after an affirmative act of Congress.

Congress must have more time to consider this legislation, and to make the necessary amendments to it to ensure that we are not abdicating our oversight role. To that end, we ask that you do not include this bill in the forthcoming omnibus appropriations package.

Sincerely,



Ron Wyden
United States Senator



Rand Paul
United States Senator