

**Congress of the United States**  
Washington, DC 20510

October 13, 2016

The Honorable Loretta E. Lynch  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

Dear Attorney General Lynch:

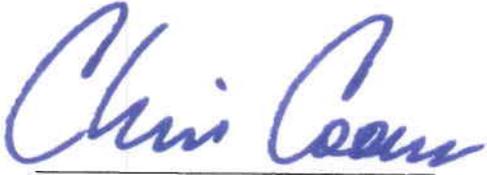
As sponsors of the International Communications Privacy Act (ICPA), we are committed to establishing a legal standard for accessing extraterritorial electronic communications. ICPA clarifies when and how law enforcement can obtain electronic communications of U.S. citizens, no matter where the person or the communications are located. The bill also provides mechanisms by which U.S. law enforcement can—in limited circumstances and consistent with international law—obtain electronic communications of foreign citizens. We write to seek your continued engagement on this important issue and urge the Department of Justice to work with us in fine-tuning ICPA.

In July, the U.S. Court of Appeals for the Second Circuit held in *Microsoft v. United States* that the Electronic Communications Privacy Act (ECPA) does not authorize U.S. law enforcement officials to access electronic communications stored outside the United States. The concurring opinion in *Microsoft* emphasized the need for legislative action “to revise [the] badly outdated statute” and recommended that Congress review ECPA “thoughtfully and dispassionately” to ensure that it serves contemporary needs.

That is why for nearly two years, we have advanced legislation to establish a legal standard for accessing extraterritorial electronic communications. The government’s current position presents unique challenges for a number of industries that increasingly face a conflict between U.S. law and the laws of other countries. For example, when technology companies receive demands from U.S. law enforcement to turn over data on behalf of foreign customers, they are forced to make a difficult decision: either comply with the demand and satisfy U.S. law and risk violating the privacy laws of the host country, or challenge U.S. law enforcement’s request in order to comply with the laws of the host jurisdiction. No one should be placed in this untenable situation.

We are committed to working collaboratively with you and your staff to enact a successful legislative solution that strengthens privacy and promotes trust in U.S. technologies worldwide while enabling law enforcement to fulfill its important public safety mission.

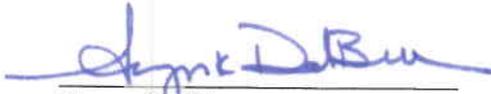
Sincerely,



Christopher A. Coons  
U.S. Senator



Orrin G. Hatch  
U.S. Senator



Suzan DelBene  
U.S. Representative



Tom Marino  
U.S. Representative

cc: Chairman Charles Grassley and Ranking Member Patrick Leahy  
U.S. Senate Committee on the Judiciary

Chairman Bob Goodlatte and Ranking Member John Conyers, Jr.  
U.S. House Committee on the Judiciary