



Reform Government Surveillance

Reform Government Surveillance Coalition

June 5, 2025

Re: House Judiciary Subcommittee on Crime and Federal Government Surveillance
Hearing entitled "Foreign influence on American's data through the CLOUD Act"

Dear Chair Andy Biggs and Ranking Member Lucy McBath:

The Reform Government Surveillance (RGS) coalition applauds the Committee for holding this important and timely hearing.

RGS is a coalition of technology companies¹ dedicated to ensuring government surveillance laws are consistent with established global norms of privacy, free expression, security, and the rule of law. RGS believes government law enforcement and intelligence efforts should be rule-bound, narrowly tailored, transparent, and subject to strong oversight.

RGS is deeply concerned about the United Kingdom's alleged recent efforts to compel Apple to implement a backdoor into one of its end-to-end encrypted services. When one country requires technology companies to engineer vulnerabilities into their encrypted products and services, it undermines the security and privacy of Americans and everyone else who uses the affected services around the globe.

Strong encryption undergirds the modern internet, and the society we have built on top of it. It enables financial transactions, secures communications, protects national security secrets and systems, and more. Strong encryption also promotes free expression and the free flow of information around the world. Congress should support strong encryption, and resist efforts to weaken it in the U.S. or abroad, as the UK is doing here.

The Clarifying Lawful Overseas Use of Data (CLOUD) Act was enacted in 2018. The law was intended to resolve conflicts of law and facilitate legitimate cross-border requests for data when necessary to investigate serious crime, present an alternative to the cumbersome and often slow diplomatic process of mutual legal assistance treaties (MLATs), and protect civil liberties. The U.S. and the UK signed a CLOUD Act agreement in 2019 (which was first used in

¹ RGS members are Amazon, Apple, Dropbox, Google, Meta, Microsoft, Snap, X, and Yahoo.

2022) that created a means for each side to send legal process to providers subject to the other's jurisdiction seeking disclosure of user data without violating the other jurisdiction's blocking statutes. The only other agreement that has been negotiated is with Australia. The U.S. has been negotiating agreements with both Canada and the European Union, which are important to resolve potential conflicts of law and advance public safety.

However, we urge the Department of Justice to ensure that any future agreements, as well as the existing agreements with the UK and Australia, are not utilized to undermine the security of American technologies. Congress did not intend for agreements under the CLOUD Act, like that with the UK, to be used as part of an effort by governments to compel service providers to decrypt or otherwise weaken end-to-end encrypted products and services. In fact, Congress explicitly wrote in the statute that "the terms of the agreement shall not create any obligation that providers be capable of decrypting data." In its 2024 renewal report to Congress, the DOJ expressly noted it had "taken the opportunity of this redetermination to remind the UK of the statute's requirement that the terms of the Agreement shall not create any obligation that providers be capable of decrypting data." Despite flagging the Department's concerns with the TCN regime, the UK allegedly issued a TCN order requiring Apple to maintain the capability to decrypt data in cloud backups; the UK could then subsequently seek to obtain data for an account via a separate order invoking the CLOUD Act agreement.

We appreciate the Committee holding this hearing to highlight the dangers posed to Americans' security and privacy by the UK's alleged demand for Apple to weaken encryption, and to explore how to protect all Americans and U.S. technology companies from this and similar threats to encryption. RGS stands ready to assist the Committee in any way we can.

Sincerely,

Reform Government Surveillance

cc: Chair Jim Jordan, Ranking Member Jamie Raskin