

# THE CONSTITUTION PROJECT



*Safeguarding Liberty, Justice & the Rule of Law*

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## TCP Applauds House Passage of Email Privacy Act, Urges Swift Senate Action

WASHINGTON, D.C. -- Virginia Sloan, president of The Constitution Project, a nonpartisan legal watchdog and advocacy group, offered the following comment on the unanimous vote passing the Email Privacy Act in the U.S. House of Representatives earlier today:

"This resounding vote shows a broad, bipartisan consensus for this commonsense measure to protect Americans' private communications. The Senate should quickly take up and pass this legislation without weakening it. It's long past time to close the loophole that leaves our sensitive personal and proprietary online communications subject to warrantless snooping."

The [Email Privacy Act \(H.R. 699\)](#), sponsored by Reps. Kevin Yoder (R-Ks.) and Jared Polis (D-Colo.), updates the 1986 Electronic Communications Privacy Act, which currently allows law enforcement agencies to access without a warrant emails that have been kept for more than 180 days and information stored "in the cloud." As a result, emails and online documents lack the same Fourth Amendment protections afforded to physical letters sent through the Post Office and stored in filing cabinets, which require a warrant to access.

H.R. 699 passed the House on a vote of 419 to 0, representing the farthest advance of legislation in the multi-year effort to reform ECPA. Earlier in the month, the House Judiciary Committee also passed the bill unanimously. It has more than 300 co-sponsors.

In an [April 26 letter](#) to members of the House, nearly 70 technology companies, trade associations and privacy groups joined TCP in urging the House to pass the bill. The groups noted that the legislation does not achieve all of the ECPA reforms they had hoped for. However, the groups wrote, "it does impose a warrant-for-content rule with limited exceptions. We are particularly pleased that the bill does not carve out civil agencies from the warrant requirement, which would have undermined the very purpose of the bill." TCP Board member David Beier had [earlier published an op-ed](#) in The Hill arguing against a civil agency carve-out

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*Created out of the belief that we must cast aside the labels that divide us in order to keep our*

*democracy strong, The Constitution Project brings together policy experts and legal practitioners from across the political spectrum to foster consensus-based solutions to the most difficult constitutional challenges of our time through scholarship, advocacy, policy reform and public education initiatives. Established in 1997, TCP is based in Washington, D.C.*