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AMASH OPPOSES SEC'S EXEMPTION FROM E-MAIL PRIVACY BILL
AGENCY LOBBIES FOR CARVE-OUT IN LEAHY-LEE BILL, WANTS NO WARRANTS FOR STORED E-MAIL

Washington, D.C. – Rep. Justin Amash, Rep. Joe Barton (R-TX), Rep. Tom Graves (R-GA), Rep. Steve Scalise (R-LA), and Rep. Kevin Yoder (R-KS) urged senators to oppose an effort by the Securities and Exchange Commission (SEC) to access Americans' e-mail messages without a warrant.

The SEC is seeking a carve-out from the ECPA Amendments Act introduced by Sen. Pat Leahy and Sen. Mike Lee. The bill requires the government to obtain a warrant before seizing consumers' electronic communications that are stored in the cloud for more than six months. An attempt to preserve warrantless e-mail searches for some agencies reportedly is delaying consideration of the bill. Amash has cosponsored Yoder's Email Privacy Act, H.R. 1852, the House companion to the Senate bill.

"The Leahy-Lee bill ensures that federal agencies respect the Fourth Amendment's protection of e-mails stored in the cloud," said Amash. "The Fourth Amendment cannot be disregarded just because some federal agencies find it 'impractical'. I strongly urge Senators to expedite consideration of the Leahy-Lee bill and to reject agencies' attempts to gut its important protections."

"The Fourth Amendment of the Constitution requires the SEC to get a warrant to read postal mail – why should it be any different for email?" Yoder asked. "If we carve out one civil agency, every civil agency would clamor for an exemption and email privacy reform would be rendered meaningless."

"The SEC, IRS, and every other federal agency should respect the privacy rights of all Americans, and no agency should get a loophole to snoop through the emails of innocent Americans without following the traditional judicial process. I commend Mr. Yoder for his efforts to protect the Fourth Amendment rights of innocent Americans by ensuring that the federal government cannot secretly read their emails without due process of law," Scalise said.

"I strongly oppose the SEC's effort to sidestep the Fourth Amendment," said Graves. "No federal agency should be under the illusion that email is any less protected than regular mail or other methods of communication. It's long past time to pass the Email Privacy Act and the Leahy-Lee bill, without carve outs, and eliminate the confusion about privacy rights that clearly exists in the Executive Branch."

"I believe our founding fathers would not have allowed for the invasions of privacy that we are seeing today, whether that is from our government or the private sector. It is not acceptable to allow anyone the right to freely access the private information of others, and the Framers of our

Constitution echoed this sentiment in the Fourth Amendment. I praise the efforts of Reps. Yoder and Graves on this issue and I urge my colleagues on the Senate side to remember the right to privacy and pass a clean ECPA bill,” said Barton.

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