

THE LAW ENFORCEMENT ACCESS TO DATA STORED ABROAD ACT
“LEADS ACT”
SECTION-BY-SECTION

Section 1: Short Title.

The Law Enforcement Access to Data Stored Abroad Act

Section 2: Findings.

Section 3. Scope and Clarification of Warrant Requirement.

This section requires law enforcement to obtain a warrant under the Electronic Communication Privacy Act (ECPA) to obtain the content of subscriber communications from an electronic communications or cloud computing service.

This section also recognizes that an ECPA warrant does not compel production of data stored abroad, while providing an exception if the account holder whose content is sought is a “U.S. person.” It also requires a court to modify or vacate a warrant if a provider makes a motion to the court and the court finds that the warrant would require the provider to violate the laws of a foreign country. A “U.S. person” is a citizen or lawful permanent resident of the United States, or a company incorporated in the U.S.

Section 4. Mutual Legal Assistance Treaty Reforms.

This section makes reforms to the Mutual Legal Assistance Treaty (MLAT) process by providing greater accessibility, transparency, and accountability.

The bill requires the Attorney General to create an online intake form and docketing system, which will allow foreign governments to submit MLAT requests electronically and track the status of their MLAT requests. The bill also requires the Department of Justice to regularly publish statistics on the number of MLAT requests it makes and receives, and their average processing time.

Section 5. Sense of Congress.

This section provides a sense of Congress that data providers should not be subject to data localization requirements. Such requirements are incompatible with the borderless nature of the internet, an impediment to online innovation, and unnecessary to meet the needs of law enforcement.