

S 2383

CLOUD Act

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 6, 2018

Current Status: Read twice and referred to the Committee on the Judiciary.

Latest Action: Read twice and referred to the Committee on the Judiciary. (Feb 6, 2018)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/2383>

Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • **State:** UT • **Chamber:** Senate

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Coons, Christopher A. [D-DE]	D · DE		Feb 6, 2018
Sen. Graham, Lindsey [R-SC]	R · SC		Feb 6, 2018
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Feb 6, 2018
Sen. Cassidy, Bill [R-LA]	R · LA		Mar 5, 2018
Sen. Shaheen, Jeanne [D-NH]	D · NH		Mar 5, 2018
Sen. Burr, Richard [R-NC]	R · NC		Mar 6, 2018
Sen. Flake, Jeff [R-AZ]	R · AZ		Mar 13, 2018
Sen. Grassley, Chuck [R-IA]	R · IA		Mar 13, 2018
Sen. Klobuchar, Amy [D-MN]	D · MN		Mar 13, 2018
Sen. Warner, Mark R. [D-VA]	D · VA		Mar 19, 2018

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Referred To	Feb 6, 2018

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
115 HR 1625	Related bill	Mar 23, 2018: Became Public Law No: 115-141.
115 HR 4943	Identical bill	Feb 6, 2018: Referred to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Clarifying Lawful Overseas Use of Data Act or the CLOUD Act

This bill amends the federal criminal code to specify that an electronic communication service (ECS) or remote computing service (RCS) provider must comply with existing requirements to preserve, backup, or disclose the contents of an electronic communication or noncontent records or information pertaining to a customer or subscriber, regardless of whether the communication or record is located within or outside the United States.

An ECS or RCS provider may challenge a domestic warrant that compels disclosure of the contents of an electronic communication if:

- the customer or subscriber is not a U.S. citizen or national, lawful permanent resident, corporation, or other unincorporated entity;
- the customer or subscriber does not reside in the United States; and
- the required disclosure creates a material risk that the provider violates the laws of a foreign government with which the United States has in effect an executive agreement on data access.

In response to an order from a foreign government with which the United States has an executive agreement on data access, an ECS or RCS provider may:

- intercept or disclose the contents of an electronic communication, and
- disclose the contents of a stored electronic communication or noncontent records or information pertaining to a subscriber or customer.

It establishes a framework to allow the United States to enter into executive agreements with foreign governments to govern data access. To be valid, an executive agreement must meet certain requirements, including that the foreign government affords robust procedural privacy protections and adopts minimization procedures.

This bill does not preclude a foreign authority from obtaining assistance in a criminal investigation or prosecution.

Actions Timeline

- **Feb 6, 2018:** Introduced in Senate
- **Feb 6, 2018:** Read twice and referred to the Committee on the Judiciary.

LegiList

CONGRESS, MADE CLEAR.

Search Every Federal Bill, Law, and Vote

LegiList is the fastest way to research Congress. Track any bill from introduction to enactment, see how every legislator voted, follow committee activity, and read the full text of every bill — all in one place, always up to date.

legilist.com

Free Course: Learn How Congress Actually Works

LegiList Learn is a free, self-paced course that walks through the entire legislative process — from drafting a bill to a presidential signature. Seven modules, plain language, no politics. Earn a certificate when you finish.

legilist.com/learn

Developer API: Build Apps on Legislative Data

The LegiList API gives developers direct access to bills, votes, legislators, committees, and more. Start free with 1,000 requests per day — no credit card required. Upgrade to Pro when you need to scale.

legilist.com/api

Public data belongs to the public. — legilist.com