

Congress of the United States
Washington, DC 20515

The Honorable Eric Holder
Attorney General
Washington, D.C. 20511

James Clapper
Director of National Intelligence
Washington, D.C. 20511

July 16, 2013

Dear Eric Holder and James Clapper:

We write to urge you to authorize U.S. companies to release information regarding national security requests for user data. Specifically, we ask you to permit U.S. companies to publish figures – specific numbers or, at minimum, a narrow range – indicating foreign intelligence surveillance orders received and user accounts affected, separately from criminal and other national security requests.

Recent events have raised difficult questions regarding U.S. government requests for user data from technology companies. Users and business partners alike have expressed deep concern over the extent of data disclosure, with some foreign governments speculating about the degree to which commercial data can remain confidential in the U.S. Yet the U.S. government's refusal to allow companies to release figures reflecting these requests prevents them from taking basic steps to preserve public confidence in U.S. Internet services.

We are skeptical that such an authorization would endanger the national security. Some major U.S. Internet companies already routinely publish transparency reports that include figures for requests based on criminal investigations and national security letters, and there is no clear indication that these reports have weakened national security or law enforcement efforts. On the other hand, the unnecessarily broad restraint on transparency the U.S. government has hitherto imposed in connection to foreign intelligence surveillance orders undermines trust in a crucial sector of the domestic economy and impedes informed debate on an issue of intense public interest.

Please provide us with a timely, unclassified written response to our request that you authorize U.S. companies to publish specific numbers or, at minimum, a narrow range indicating foreign intelligence surveillance orders received and user accounts affected, separately from criminal and other national security requests. If our request is refused, please provide an unclassified explanation of the grounds for refusal.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zoe Lofgren", written over a horizontal line.

Zoe Lofgren
Member of Congress

A handwritten signature in blue ink, appearing to read "Jim Sensenbrenner", written over a horizontal line.

James Sensenbrenner
Member of Congress