

December 6, 2023

The Honorable J. Michael Johnson
Speaker

The Honorable Charles E. Schumer
Majority Leader

The Honorable Hakeem S. Jeffries
Minority Leader
U.S. House of Representatives

The Honorable Mitch McConnell
Minority Leader
United States Senate

The Honorable Jim Jordan
Chairman
The Honorable Jerry Nadler
Ranking Member
House Committee on the Judiciary

The Honorable Dick Durbin
Chairman
The Honorable Lindsey Graham
Ranking Member
Senate Committee on the Judiciary

The Honorable Michael Turner
Chairman
The Honorable Jim Himes
Ranking Member
House Permanent Select Committee on
Intelligence

The Honorable Mark Warner
Chairman
The Honorable Marco Rubio
Vice Chairman
Senate Select Committee on Intelligence

Dear Mr. Speaker, Leader Schumer, Minority Leaders McConnell and Jeffries, Chairmen Jordan, Durbin, Turner, and Warner, and Ranking Members Nadler, Graham, Himes, and Rubio:

We are writing on behalf of the undersigned organizations to reiterate our concerns with certain provisions of the *Protect Liberty and End Warrantless Surveillance Act*. If enacted as currently written with the inclusion of items that are not directly related to the Foreign Intelligence Surveillance Act, this legislation could lead to significant public safety consequences.

On July 18, 2023, several of our groups shared our concerns with the *Fourth Amendment Is Not For Sale Act* (H.R. 4639), which would produce significant public safety consequences by restricting law enforcement access to critical investigative information that is utilized every day to combat serious crimes. Lawmakers have not responded to the concerns outlined in the enclosed letter and are now moving forward with that bill as part of the *Protect Liberty and End Warrantless Surveillance Act*.

We urge lawmakers to pause work on the current form of the *Protect Liberty and End Warrantless Surveillance Act* and engage law enforcement stakeholders before moving forward with legislation that may negatively impact our ability to maintain public safety.

In addition to the *Fourth Amendment Is Not for Sale Act*, the legislation must be thoroughly reviewed by all impacted parties to ensure it does not negatively impact state and local law enforcement and our federal partners who we rely on to investigate crime in our communities.

Our organizations stand ready to work with you to analyze the bill's provisions and consider how legitimate privacy concerns could be addressed without potentially blinding law enforcement to critical investigative leads.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Association of State Criminal Investigative Agencies (ASCIA)
Federal Law Enforcement Officers Association (FLEOA)
Major Cities Chiefs Association (MCCA)
Major County Sheriffs of America (MCSA)
National Association of Police Organizations (NAPO)
National District Attorneys Association (NDAA)
National Fusion Center Association (NFCA)
National Narcotic Officers' Associations' Coalition (NNOAC)
National Sheriffs' Association (NSA)
Sergeants Benevolent Association NYPD

Enclosure



July 18, 2023

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

The Honorable Jerrold Nadler
Ranking Member
Committee on the Judiciary
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Jordan and Ranking Member Nadler,

We are writing on behalf of the undersigned organizations to register our concerns with H.R. 4639, the *Fourth Amendment Is Not For Sale Act*. If enacted as currently written, this legislation will produce significant public safety consequences. H.R. 4639 will restrict law enforcement's access to critical investigative information that is utilized every day to combat violent and serious crimes such as murder, kidnapping, drug trafficking, human trafficking, child sexual exploitation, terrorism, and threats of mass violence. Preventing law enforcement from being able to access it efficiently will make communities less safe.

The value of the investigative tools this legislation seeks to regulate cannot be understated, especially at the outset of an investigation. Modern law enforcement investigations are complex and often require investigators to triage a wide range of leads. Third-party data, which is readily available and widely used in a range of non-law enforcement contexts, is crucial in generating leads as it helps law enforcement expeditiously determine what may and may not be relevant to an investigation.

Imposing a probable cause requirement when the Constitution does not compel it will prevent law enforcement from identifying and pursuing irreplaceable leads. The data this bill would restrict is most useful after a crime occurs but before solid leads have been developed and probable cause can be determined. As such, this information serves as the building blocks of probable cause, which is then used to obtain a warrant where appropriate as the investigation progresses. The data also helps us analyze trends, patterns, and correlations; link criminal networks; and allocate investigative resources efficiently to target efforts where they are needed most. It is important to note that law enforcement agencies have strict policies and procedures in place to mitigate the risk of misuse and abuse of investigative information.

Without access to commercially available information that law enforcement obtains from third parties, investigative timelines will dramatically increase. This will hamstring law enforcement's ability to aid victims, solve crimes, illuminate and investigate drug trafficking networks, and

intervene in overt threats of mass violence as quickly as possible. Community trust in law enforcement would also be negatively impacted because cases would go unsolved for longer periods of time.

This legislation could also impact essential non-investigative law enforcement functions and operations, as many of these services rely on third-party data. For example, many law enforcement agencies contract with third parties to provide location data for radios, cars, cell phones, and other devices if an officer issues a distress call. It is unclear if these companies could still offer these services under this legislation. If they were to cease, it would, without question, be detrimental to officer safety.

In light of these serious concerns, we strongly encourage you to delay the mark-up of the *Fourth Amendment Is Not For Sale Act* and engage in serious consideration of the real-world public safety impacts of the bill before it is rushed through the Committee. Our organizations stand ready to work with you to analyze the bill's provisions and consider how legitimate privacy concerns could be addressed without potentially blinding law enforcement to critical investigative leads. Please do not hesitate to contact us if we can be of further assistance.

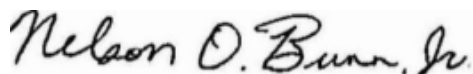
Sincerely,



Chief Mark Keel
President
Association of State Criminal
Investigative Agencies



William J. Johnson
Executive Director
National Association of
Police Organizations



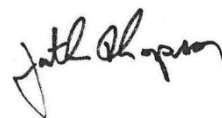
Nelson Bunn
Executive Director
National District Attorneys Association



Mike Sena
President
National Fusion Center Association



Eric Brown
President
National Narcotic Officers'
Associations' Coalition



Jonathan Thompson
Executive Director and CEO
National Sheriffs' Association



Sheriff Dennis M. Lemma
Seminole County Sheriff's Office, FL
President
Major County Sheriffs of America



Chief Eddie Garcia
President
Major Cities Chiefs Association