



September 26, 2022

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Frank Pallone
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
Committee on Energy & Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Jan Schakowsky
Chairwoman
Consumer Protection &
Commerce Subcommittee
Committee on Energy & Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Gus Bilirakis
Ranking Member
Consumer Protection &
Commerce Subcommittee
Committee on Energy & Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi, Leader McCarthy, Chairman Pallone, and Ranking Member McMorris Rodgers:

We write to express deep concern about significant public safety consequences that could result if the American Data Privacy Protection Act (ADPPA, H.R. 8152) were to be enacted as currently drafted. Data privacy protections are critical for the safety of our citizens and our national security. Law enforcement also has a vested interest in data privacy as it directly relates to officer safety. Many law enforcement agencies have seen officers' personal data publicly exposed, and these officers and their families have been harassed and threatened as a result.

While strong consumer data privacy protections are needed, the ADPPA in its current form would likely have major negative consequences that would make it harder to investigate criminal activity. For example, in its current form, the ADPPA would likely complicate the private sector's ability to continue its ongoing efforts to cooperate and voluntarily share certain information with law enforcement throughout the course of a criminal investigation.

This legislation would also make common investigative tools unavailable or extremely limited. These tools are used successfully by law enforcement agencies around the country every day to investigate violent crime, human trafficking, child sexual exploitation, fentanyl and opioids trafficking, violent extremism, carjacking, kidnapping, and threats of mass violence that are made on social media. These tools provide the essential building blocks for generating leads, especially in the early stages of a critical incident, and there is simply nothing that can replace that capability for investigators. Some have grossly misconstrued how law enforcement uses these investigative tools to justify their elimination via the ADPPA. The reality is that law enforcement agencies have strict policies and procedures in place to mitigate the risk of misuse and abuse.

At a time when Congress is working to pass laws that support effective and accountable law enforcement and reduce violent crime, the ADPPA in its current form would make our jobs harder. It is a 21st Century reality that digital information generated by public and private entities is relevant to most criminal investigations. The ADPPA prevents law enforcement from obtaining publicly available information in a timely, lawful manner, which significantly jeopardizes our ability to rescue victims, protect communities, and prevent bad actors from exacerbating an already historic rise in violent crime. As currently written, this bill will make it more difficult for law enforcement to find critical pieces of information that are necessary to quickly generate leads and solve crimes.

Congress cannot push law enforcement's investigative capabilities back into the 20th Century as we try to address today's 21st Century criminal challenges. We strongly oppose the current version of ADPPA and urge the House to improve the bill to protect consumer privacy without weakening criminal investigations. Our organizations stand ready to work with you to achieve this balance.

Sincerely,

Association of State Criminal Investigative Agencies (ASCIA)
Federal Law Enforcement Officers Association (FLEOA)
Major Cities Chiefs Association (MCCA)
Major Count Sheriffs of America (MCSA)
National Association of Assistant U.S. Attorneys (NAAUSA)
National Association of Police Organizations (NAPO)
National District Attorneys Association (NDAA)
National Fusion Center Association (NFCA)
National Narcotics Officers' Associations' Coalition (NNOAC)
Sergeants Benevolent Association (SBA)