



NATIONAL FRATERNAL ORDER OF POLICE

PATRICK YOES NATIONAL PRESIDENT

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10 April 2024

The Honorable J. Michael Johnson
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Hakeem S. Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker and Representative Jeffries,

I am writing to advise you of our strong and continued opposition to the most recent effort to consider H.R. 4639, the "Fourth Amendment Is Not For Sale Act," potentially under a suspension of the rules, even though the Committee on Intelligence (Permanent Select) has not marked-up the legislation. Given the tremendous impact this legislation would have on day-to-day policing activity, we believe that all committees of jurisdiction should have the opportunity to consider the bill and to hear from the law enforcement community.

In December—and then again in February—the FOP offered to work with Members of the House to address genuine privacy concerns surrounding the availability of this information, without removing this vital tool from our law enforcement agencies. To date, our offer has been ignored, and Members of the House continue to push for a floor vote on legislation that would destroy the basic ability of law enforcement to conduct investigations into violent crimes like murder, kidnapping, terrorism, and other serious threats. The language of H.R. 4639 as introduced would cut off access to vital investigative tools routinely used by law enforcement agencies every day—tools that generate leads into crucial and often complex cases. Investigators do this by selectively using third-party data, which is widely available for use for a variety of purposes that have nothing to do with public safety. If Congress acts to impose a probable cause standard for this type of information, routine investigations will become arduous and time consuming—delaying justice for victims and increasing the expense of such investigations in time and resources. Investigations in which time is a factor—like kidnappings or human trafficking—will become almost impossible to solve, and lives will be lost if access to this data is lost.

The data accessed by law enforcement that H.R. 4639 would restrict is critical because it allows investigators to identify and pursue leads. These leads are used to gather evidence and establish probable cause for an arrest and prosecution. Without access to this type of data, investigators will not be able to "connect the dots"—to see patterns and establish links between the crime and the perpetrator. By prohibiting access to this commercially available data, Congress would be tying the hands of law enforcement and greatly increasing the time it takes to conduct successful investigations into serious crimes.

On behalf of the more than 373,000 members of the Fraternal Order of Police, we urge the House to reject any and all efforts to enact H.R. 4639. For more information on the damage that this bill would have on public safety, please do not hesitate to contact me or Executive Director Jim Pasco in our Washington, D.C. office.

Sincerely,

Patrick Yoes
National President

cc: The Honorable Stephen J. Scalise, Majority Leader, U.S. House of Representatives
The Honorable Katherine M. Clark, Minority Whip, U.S. House of Representatives
The Honorable James D. Jordan, Chairman, Committee on the Judiciary, U.S. House of Representatives
The Honorable Jerrold L. Nadler, Ranking Member, U.S. House of Representatives
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