



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
NATIONAL PRESIDENT

JIM PASCO
EXECUTIVE DIRECTOR

18 April 2024

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Senators Schumer and McConnell,

I am writing to advise you of our strong and continued opposition to any consideration of H.R. 4639/S. 2576, the “Fourth Amendment Is Not For Sale Act,” as a standalone measure or as an amendment to H.R. 7888, the “Reforming Intelligence and Securing America Act.”

The “Fourth Amendment is Not For Sale Act,” which was adopted by the House, will have a devastating effect on the basic ability of law enforcement to conduct investigations into violent crimes like murder, kidnapping, terrorism, and other serious offenses. The legislation would cut off access to vital investigative tools routinely used by law enforcement agencies every day—Constitutional 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 this legislation 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.

The Administration opposes the “Fourth Amendment is Not for Sale Act,” and, prior to the House vote, the bipartisan House Law Enforcement Caucus also announced its opposition to the bill and urged its Members to vote no.

The FOP has repeatedly offered to work with Members of Congress 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 this lack of meaningful engagement and understanding of the value of these tools will jeopardize the ability of law enforcement to solve crimes and protect the public.

-- BUILDING ON A PROUD TRADITION --

On behalf of the more than 373,000 members of the Fraternal Order of Police, we strenuously urge that the Senate reject any and all efforts to enact the "Fourth Amendment is Not For Sale Act," as a standalone or as an amendment to an underlying bill. 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,

A handwritten signature in black ink, appearing to read "Patrick Yoes", with a stylized flourish extending to the right.

Patrick Yoes
National President

cc: The Honorable Richard J. Durbin, Chairman, Committee on the Judiciary, United States Senate
The Honorable Lindsey O. Graham, Ranking Member, Committee on the Judiciary, United States Senate
Michael Essig, President, New York State Lodge
Joseph Battaglia, National Trustee, New York State Lodge
Berl Perdue, President, Kentucky State Lodge
Dave Mutchler, National Trustee, Kentucky State Lodge

