

# Congress of the United States

## House of Representatives

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### Opening Statement Ranking Member Elijah E. Cummings

### Hearing on "Geolocation Technology and Privacy" March 2, 2016

Thank you, Mr. Chairman, and welcome to all of our witnesses. Today's hearing provides an opportunity to discuss both the privacy concerns and law enforcement interests in obtaining geolocation information about our constituents.

Geolocation information provides tracking capabilities with great accuracy, making it a valuable law enforcement tool. This information can reveal intimate details of a person's life, which raises significant concern about whether the American people have a right to expect that information to be treated as private. It is important that our law enforcement authorities have the ability to carry out their public safety duties, and it is also important that we protect the privacy rights of American citizens.

Currently, federal law enforcement officials use authority under the Stored Communications Act to obtain location records from wireless service providers. This law requires law enforcement authorities to provide "specific and articulable facts" demonstrating "reasonable grounds" to believe that the information they seek is "relevant and material to an ongoing criminal investigation."

Right now, there is a split among federal courts. Some have held that Americans have a reasonable expectation of privacy over this type of information. They require law enforcement to obtain a search warrant based on probable cause. Others have held that Americans do not have a reasonable expectation to privacy because they voluntarily use their cell phones in this manner. These courts require law enforcement to obtain a court order under the lower standard of reasonable suspicion.

This is a legitimate and challenging issue with reasonable voices on both sides.

For example, on one hand, the Chairman has a bill that would create a uniform standard, would recognize this privacy interest, and would require law enforcement to obtain warrants based on probable cause. There are strong benefits to this approach, and it is supported by Senator Wyden, Ranking Member Conyers, and our own Congressman Welch.

There are also voices on the other side. For example, Congressman Gowdy has expressed concern that this approach could impair the efforts of law enforcement authorities to investigate and solve crimes.

Today, I welcome this debate because I want to make sure we are striking the right balance. I look forward to hearing from all of our witnesses to help us continue to inform this debate and ensure that we help our law enforcement authorities while protecting the privacy rights of our constituents.

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