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Pallone Statement at Hearing on “Deciphering the Debate over Encryption: Industry and Law Enforcement Perspectives”

Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) today gave the following opening statement at an Oversight and Investigations Subcommittee Hearing on “Deciphering the Debate Over Encryption: Industry and Law Enforcement Perspectives.”

I welcome the opportunity to hear today from both law enforcement and the tech community as we seek to understand and develop solutions to this encryption debate. Encryption enables the privacy and security that we value, but it also creates challenges for those seeking to protect us.

Law enforcement has a difficult job of keeping our nation safe. And they are finding that some encrypted devices and programs are hampering their efforts to conduct thorough investigations. Even when they obtain a warrant, they find themselves unable to access information protected by end-to-end encryption. This raises questions of how comfortable we are as a nation with these “dark” areas that cannot be reached by law enforcement.

At the same time, the tech community helps protect some of our most valuable information, and the most secure way to do that is by using end-to-end encryption, meaning the device or app manufacturer does not hold a key to that information. When the tech community tells us that providing backdoors will make their job of protecting our information that much more difficult, we should heed that warning and work towards a solution that will not solve one problem by creating many others.

It is clear that both sides in this discussion have compelling arguments, but simply repeating those arguments is not a sufficient response. We need to work together to move forward, and I hope today’s hearing is just the beginning of that conversation.

In the last several months and years, we have seen major players in this debate look to Congress for solutions. In 2014, FBI Director Comey said, “I’m happy to work with Congress, with our partners in the private sector, with my law enforcement and national security counterparts, and with the people we serve, to find the right answer—to find the balance we need.”

In an email to Apple employees earlier this year, Apple CEO Tim Cook wrote about his support for Congress to bring together “experts on intelligence, technology and civil liberties to discuss the implications for law enforcement, national security, privacy and personal freedoms.” He wrote that “Apple would gladly participate in such an effort.”

If we have any hope of moving this debate forward, we need all parties to come to the table. The participation of our witnesses today should serve as a model to others who have been reluctant to participate in this discussion. We cannot move forward if each party remains in its corner, unwilling to compromise or propose solutions.

Both sides need to recognize that this is an effort to strike a balance between the security and privacy of personal data and public safety. The public needs to feel confident that their information is secure. But at the same time, we need to assure them that law enforcement has all the tools it needs to do their jobs effectively.

I would like to yield my remaining time to Rep. Clarke.

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