



August 4, 2021

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

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

Re: Wyden-Lummis-Toomey Amendment to H.R. 3684

Dear Majority Leader Schumer and Minority Leader McConnell,

As nonprofit organizations promoting civil liberties and technological inclusion, we write to express our strong support for the amendment introduced by Sens. Wyden, Lummis, and Toomey.

As currently drafted, the recently announced Bipartisan Infrastructure Bill would jeopardize the privacy rights of cryptocurrency users and create legal complexity to developing blockchain projects or verifying transactions in the United States—likely leading to more innovation moving overseas.¹ The provision titled “Enhancement of Information Reporting for Brokers and Digital Assets” includes language that is so broad that it would likely lead to many unintended consequences, not only for the technology’s ability to operate in the United States but also for the privacy rights of all Americans.

We urge Congress to not rush to legislate as complex a topic as the privacy rights of cryptocurrency users. Such a nuanced issue requires ample opportunity for civil liberties experts to offer feedback on proposals. Ultimately, we believe that the process of including this provision at all in the “pay-for” section of an unrelated bill does not give adequate opportunity for those discussions.

Nonetheless, the Wyden-Lummis-Toomey Amendment addresses a significant concern raised by the bill as currently drafted by removing the obligation to report from those network participants who don’t have—and shouldn’t have—access to customer information. It does so without affecting the reporting obligations placed on brokers and traders of digital assets.

¹ <https://www.eff.org/deeplinks/2021/08/cryptocurrency-surveillance-provision-buried-infrastructure-bill-disaster-digital>

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We thank Sens. Wyden, Lummis, and Toomey for this effort. We encourage you to adopt the Wyden-Lummis-Toomey Amendment.

Sincerely,

Aspiration,

<https://aspirationtech.org/>

Defending Rights and Dissent,

<https://www.rightsanddissent.org/>

Cryptoparty Ann Arbor, <https://a2crypto.party>

Electronic Frontier Foundation, <https://eff.org>

Ethics in Tech, <https://ethicsintech.com/>

Electronic Frontiers Georgia, www.ef-georgia.org

Fight for the Future

<https://www.fightforthefuture.org/>

Freedom of the Press Foundation,

<https://freedom.press/>

HackUCF, <https://www.hackucf.org/>

Los Angeles Cryptoparty, <https://crypto.la/>

NYC Privacy Board Advocates,

<https://www.privacyboard.nyc>

Oakland Privacy, <https://oaklandprivacy.org/>

Privacy Watch STL,

<https://privacywatchstl.wordpress.com/>

Restore the Fourth, <https://restorethe4th.com/>

Surveillance Technology Oversight Project,

<https://www.stopspying.org/>

The Pacific Northwest Rural Broadband Alliance,

<https://nwbroadband.org>