



August 24, 2023

The Honorable Kevin McCarthy  
Speaker  
United States House of Representatives  
Washington, D.C. 20515

The Honorable Hakeem Jeffries  
Democratic Leader  
United States House of Representatives  
Washington, D.C. 20515

Dear Speaker McCarthy and Leader Jeffries,

We write on behalf of the undersigned organizations to express our strong opposition to H.R. 1525, the *Fifth Amendment Integrity Restoration (FAIR) Act of 2023*, as passed by the House Judiciary Committee in June. This legislation, as currently drafted, will benefit criminals and criminal organizations and negatively impact the ability of law enforcement to protect the communities we serve, especially from drug trafficking activity. Violent crime in the United States has skyrocketed over the past few years, drug overdose rates are at record highs, and other threats facing American communities are becoming increasingly complex. H.R. 1525 would reduce cooperation between federal, state, and local law enforcement at a time when this collaboration needs to be expanded.

Asset forfeiture is a critical tool that helps deter crime by allowing law enforcement to deprive criminals of the proceeds of their illegal activity, making it harder to further their illicit businesses. H.R. 1525 includes several provisions that will make it significantly more challenging for law enforcement to utilize civil asset forfeiture. These proposed reforms are exceptionally burdensome compared to how other civil proceedings are conducted. This will only curb the use of civil asset forfeiture, regardless of the merits of the associated case, and will not improve fairness or promote civil rights. As a result, the changes included in the *FAIR Act* will be detrimental to law enforcement's effort to address the threat posed by drug cartels, criminal gangs, organized crime, human traffickers, fraudsters, cybercriminals, and other malicious actors.

H.R. 1525 would also eliminate the equitable sharing program, which allows DOJ to share the proceeds derived from forfeited property with the state and local law enforcement agencies that are directly involved in the investigation or operation that resulted in the property seizure. This program provides state and local law enforcement agencies with a means to participate in joint task forces, purchase equipment (including officer safety equipment), conduct training, upgrade technology, and support jail-based rehabilitation, community-based programs, and engagement. Ending equitable sharing would have several adverse effects on law enforcement agencies, including forcing some agencies to cease participation in task forces, which typically focus investigative resources on organized criminal activity and the most serious violent offenders.

Critics of civil asset forfeiture argue that the process is routinely abused by law enforcement solely to augment law enforcement budgets. These “policing for profit” assertions are wildly inconsistent with the reality of how this process works. While isolated abuses have occurred, they do not represent an accurate picture of civil asset forfeiture overall. Our members are fervently opposed to any abuse of the program, we have robust policies and procedures in place to mitigate the risk of abuse or misconduct, and if misconduct does occur, we ensure those responsible are held accountable for their actions.

In closing, our organizations are vehemently opposed to the *FAIR Act* in its current form. H.R. 1525 will fail to protect crime victims and innocent property owners and will be detrimental to public safety overall. Congress should focus on supporting the capacity of law enforcement agencies to conduct audits, collect and report data, and implement other transparency measures that can guard against abuse of civil asset forfeiture while ensuring it remains a viable tool to make it harder for criminals to do business. Our associations stand ready to assist.

Thank you for your attention to this matter. Please do not hesitate to contact us if we can further assist.

Sincerely,



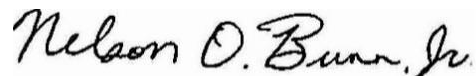
Chief Mark Keel  
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Officers Association



Kevin Hobson  
President  
National Alliance of State  
Drug Enforcement Agencies



Nelson Bunn  
Executive Director  
National District Attorneys Association



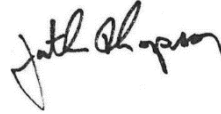
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CC: The Honorable Tim Walberg  
The Honorable Jamie Raskin  
The Honorable Tom McClintock  
The Honorable Joe Neguse  
The Honorable Kelly Armstrong  
The Honorable Tony Cárdenas