

December 11, 2023

The Honorable J. Michael Johnson  
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 Johnson and Leader Jeffries,

The National High Intensity Drug Trafficking Areas Directors Association (NHDA) members write 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. The NHDA members can say with certainty that if the FAIR Act passes in its current form, it will cause a devastatingly detrimental impact on our Nation's dedicated law enforcement officers' ability to combat the drug trafficking and overdose crisis that is currently plaguing the Nation.

The primary reason drug traffickers engage in the sale of drugs to our vulnerable citizens is to benefit from the massive illicit monetary gains that the sales generate. Asset forfeiture is a critical tool that allows law enforcement to deprive criminals of the goals of their illegal activities.

Violent crime in the United States has skyrocketed over the past few years while drug overdose rates are at record highs. The most effective way law enforcement can combat these threats is through collaboration and cooperation. H.R. 1525 would serve as a significant impediment towards cooperation between federal, state, and local law enforcement at a time when this collaboration is needed the most. The *FAIR Act* will have broad sweeping impacts that will have a significant detrimental effect on law enforcement's ability to combat the threats posed by drug cartels, transnational organized crime, criminal gangs, human traffickers, money launderers, fraudsters, cybercriminals, and a myriad of other criminal actors.

H.R. 1525 would eliminate the equitable sharing program, which allows Federal law enforcement to share the assets seized and forfeited from criminal enterprises with the state and local law enforcement agencies that were involved in the investigation 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 serve the community's needs. Ending equitable sharing would significantly impair the ability of state and local law enforcement agencies to participate in federal investigative task forces. These types of task forces typically focus on the most significant organized criminal enterprises and the most serious violent offenders. The 33 HIDTAs across the country have over 900 HIDTA narcotic task forces targeting upper-level drug distribution organizations. The HIDTA task forces are comprised

of a mix of federal, state and local law enforcement. The NHDA cannot stress enough, the negative impact that the FAIR ACT would have on the HIDTA Task forces across the country.

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. The NHDA is fervently opposed to any abuses of the civil asset forfeiture program across the country. However, **we do support** the current, and always improving policies and procedures implemented to mitigate the risk of abuse or misconduct.

Law enforcement understands that the civil asset forfeiture program should always be going through a continual review and adjustment process for the purpose of strengthening the program. We implore the legislature to work together with the NHDA and other law enforcement stakeholders to make those modifications without jeopardizing the critical and lifesaving work of our federal, state, county, and local law enforcement agencies. The NHDA stands by to assist with this process in any way we can. Thank you for your attention to this matter. Please do not hesitate to contact me if I can further assist.

Respectfully,



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CC:                   The Honorable Tim Walberg  
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                          The Honorable Kelly Armstrong  
                          The Honorable Tony Cárdenas