

KELLY A. AYOTTE
NEW HAMPSHIRE

COMMITTEES:
ARMED SERVICES
COMMERCE
HOMELAND SECURITY &
GOVERNMENTAL AFFAIRS
BUDGET
SMALL BUSINESS

United States Senate

WASHINGTON, DC 20510
(202) 224-3324

144 RUSSELL BUILDING
WASHINGTON, DC 20510

1200 ELM STREET, SUITE 2
MANCHESTER, NH 03101

144 MAIN STREET
NASHUA, NH 03060

14 MANCHESTER SQUARE, SUITE 140
PORTSMOUTH, NH 03801

19 PLEASANT STREET, SUITE 13B
BERLIN, NH 03570

January 26, 2016

Attorney General Loretta E. Lynch
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Lynch:

I write to you regarding the U.S. Department of Justice's Asset Forfeiture Program Funds (AFF) and the department's recent decision to defer equitable sharing payments until further notice. I respectfully urge you to reconsider all options available to the department in order to reinstate equitable sharing payments to participating state and local law enforcement agencies as soon as possible.

On December 21, 2015, your department notified state, local, and tribal law enforcement agencies that it was "deferring for the time being any equitable sharing payments from the Program" to preserve its financial solvency, citing rescissions included in the Bipartisan Budget Act of 2015 (P.L. 114-74) and the Consolidated Appropriations Act of 2016 (Public Law 114-113). As you know, Section 524 of Title 28 provides that AFF money is available to the Attorney General for several specified purposes, including "payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that are incurred in a joint law enforcement operation with a federal law enforcement agency participating in the Fund."

At a time when federal, state, and local law enforcement in New Hampshire are together confronting a prescription opioid abuse and heroin crisis, we must work to ensure that they have all appropriate tools and resources available to them to disrupt drug trafficking organizations and remove illicit prescription opioids, heroin, and fentanyl from our communities. Furthermore, federal, state, and local law enforcement agencies in New Hampshire have built strong and productive relationships. These collaborative relationships are critical to confronting the prescription opioid abuse and heroin crisis, and state and local law enforcement agencies rely on equitable sharing payments derived from their joint participation with federal authorities to sustain and support their ongoing participation in those operations.

With the above in mind, I respectfully ask for responses to the following questions:

1. What other budgetary options are you exploring in order to reinstate equitable sharing payments as soon as possible?
2. What factors will you consider to lift the deferrals as soon as possible?
3. Who makes the determination about when it will be “financially feasible” to resume the program?
4. What is considered “financially feasible,” and what factors will be taken into account?
5. When does the department expect to resume equitable sharing payments?

Thank you for your service to our nation, and I look forward to your response.

Sincerely,



Kelly A. Ayotte
U.S. Senator