



U.S. Department of Justice

Criminal Division

Washington, D.C. 20530

December 21, 2015

To State, Local and Tribal Law Enforcement Agencies:

The purpose of this letter is to explain the financial implications of recent budget legislation on the Department of Justice Asset Forfeiture Program (Program), including equitable sharing. The Bipartisan Budget Act of 2015 (P.L. 114-74) enacted in November included a \$746 million permanent reduction, or "rescission," of Asset Forfeiture Program Funds. In light of that \$746 million reduction, we intended to implement measures similar to those during sequestration in FY 2013 when we continued to make equitable sharing payments but at a reduced amount.

However, the Consolidated Appropriations Act of 2016, signed into law on December 18, 2015, includes an additional \$458 million rescission in the FY 2016 budget. In order to maintain the financial solvency of the Program, the Department has already begun implementing cost reduction measures to absorb the combined \$1.2 billion rescission.

While we had hoped to minimize any adverse impact on state, local, and tribal law enforcement partners, the Department is deferring for the time being any equitable sharing payments from the Program. Thus, effective immediately, the Department will defer all equitable sharing payments to our state, local, and tribal partners and transfers of any items for official use. Payments that have already been executed by the U.S. Marshals Service will be transmitted to recipients. Funds already disbursed to state, local, and tribal agencies may continue to be expended and reported in accordance with the *Guide to Equitable Sharing*.

By deferring equitable sharing payments now, we preserve our ability to resume equitable sharing payments at a later date should the budget picture improve. In other words, if additional receipts in cases without identifiable victims are deposited later in FY 2016, there is a possibility that the Department can resume its sharing on some or all of the deferred payments if there are sufficient funds in the budget.

The Department does not take this step lightly. We explored every conceivable option that would have enabled us to preserve some form of meaningful equitable sharing while continuing to operate the Program and meet our other fiscal obligations. Unfortunately, the combined effect of the two reductions totaling \$1.2 billion made that impossible.

The Department remains committed to the Program and to the state, local and tribal partners that are integral to its success. We will take all appropriate and necessary measures to minimize the impact of the rescission and reinstate sharing distributions as soon as practical and financially feasible. If you have any questions or concerns, please direct them to afmls.communications@usdoj.gov. Thank you for your understanding and cooperation during these challenging times.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Kendall Day". To the right of the signature, the letters "FOR" are handwritten in a similar style.

M. Kendall Day, Chief
Asset Forfeiture and Money
Laundering Section