

U.S. Department of Justice

Asset Forfeiture Program

FY 2021 PERFORMANCE BUDGET

Congressional Justification

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I. Overview

A. Introduction

The Asset Forfeiture Program (AFP or the Program) touches every federal, state, tribal, and local law enforcement agency in the country and the related cases are handled by all 94 U.S. Attorney's Offices and the Department of Justice's (DOJ or the Department) Criminal Division. Through joint partnerships among law enforcement at all levels, domestically and internationally, the AFP's mission is to use asset forfeiture consistently and strategically in order to deter, disrupt, and dismantle criminal enterprises by depriving wrongdoers of the fruits and instrumentalities of criminal activity. Whenever possible, the program seeks to restore property to innocent victims of crime.

For FY 2021, the Department estimates expenses totaling \$1,316,638,000 for the Program, which includes \$5,551,000 for 28 direct FTEs assigned to the Justice Management Division's Asset Forfeiture Management Staff.

Electronic copies of the Department's Congressional Budget Justifications and Capital Asset Plan and Business Case exhibits can be viewed or downloaded from the Internet using the Internet address: <http://www.justice.gov/cj>.

B. Explanation of the Assets Forfeiture Fund

The Assets Forfeiture Fund (AFF or the Fund) has a unique role and statutory authority in supporting and expanding the use of the forfeiture sanction throughout the federal law enforcement community. The Comprehensive Crime Control Act of 1984 (P.L. 98-473), codified in 28 U.S.C. § 524(c), established the AFF as a special fund within the Treasury to receive the proceeds of forfeitures pursuant to any law enforced or administered by the Department. The law authorizes the Attorney General to use the Fund to finance expenses associated with the execution of asset forfeiture functions and, with specific limitations, certain general investigative costs. Prior to the Fund, forfeiture was widely recognized as a powerful law enforcement tool for disrupting and dismantling well-funded criminal enterprises, but many agencies were reluctant to commit scarce appropriated monies to an expensive and often uncertain forfeiture process, where achieving success in seizing assets also meant increased costs for storing, maintaining, and perfecting the Government's interest in the seized property. As a self-funded resource, the AFF ensured that law enforcement effectiveness remained the paramount consideration of agents and prosecutors in choosing to pursue forfeiture under a national program framework. Today, the AFF is what makes the multibillion dollar Asset Forfeiture Program possible.

The AFF uses its statutory authority to support a wide variety of law enforcement programs that would not exist but for the Fund. For instance, the AFF provides funding for state and local police operating as part of a joint law enforcement task force with federal agencies. These state and local officers, often deputized as federal agents, act as a critical force multiplier in helping to achieve the law enforcement mission of our federal agencies. The AFF pays for officer overtime and a variety of critical equipment needs, including life-saving ballistic shields and helmets necessary to ensure officer safety.

In addition to directly funding state and local participation in joint task forces, the federal government also invests in these same agencies through the Equitable Sharing Program. Equitable sharing payments to state and local law enforcement partners are strictly dependent on the level of participation they had in the joint law enforcement operations that resulted in forfeitures. There are over 6,800 state and local law enforcement agencies that participate in the Equitable Sharing Program, which allows those agencies to reinvest in law enforcement training and equipment, including body armor and rescue equipment.

Since 2000, DOJ has returned over \$7.2 billion in assets to victims of financial fraud and theft. In 2009, the Department announced a preliminary order of forfeiture against Bernard Madoff for a massive financial fraud and Ponzi scheme orchestrated over several decades. By moving quickly to seize, forfeit, and sell the assets tied to the Madoff Ponzi scheme before they dissipated, the AFP ensured the recovery of more than \$4.1 billion for victims. The AFP continues to support 100 percent of the costs of seizure, storage, and disposition of assets in the case and is now facilitating the transfer of proceeds to victims. The next victim payments are expected to occur in April 2020.

The Fund has three types of spending authority:

The Mandatory Budget Authority is primarily used to help defray the costs of forfeiture-related activities, compensate victims and other innocent third parties, equitably share proceeds with state and local partners, and support state and local law enforcement participation in joint federal law enforcement operations.

The Discretionary Budget Authority is used to fund certain non-forfeiture related activities. The funding available under this authority is established by annual appropriations and is funded by program receipts. These activities fall under three expense categories: Purchase of Evidence, Equipping of Conveyances, and Awards for Information.

Excess Unobligated Balances represent funds remaining from the prior fiscal year's operations that the Attorney General is authorized to use without fiscal year limitation, subject to Congressional notification, for any federal law enforcement, litigative/prosecutive, and correctional activity, or any other authorized purpose of the Department of Justice.

C. Mission

The Asset Forfeiture Program has four primary goals:

- 1) To punish and deter criminal activity by depriving criminals of property used in or acquired through illegal activities.
- 2) To promote and enhance cooperation among federal, state, local, tribal, and foreign law enforcement agencies.
- 3) To recover assets that may be used to compensate victims when authorized under federal law.
- 4) To ensure the Program is administered professionally, lawfully, and in a manner consistent with sound public policy.

To achieve these goals, the Department of Justice uses asset forfeiture to the fullest extent possible to investigate, identify, seize, and forfeit the assets of criminals and their organizations while ensuring that due process rights of all property owners are protected. Asset forfeiture plays a critical role in disrupting and dismantling illegal enterprises, depriving criminals of the proceeds of illegal activity, deterring crime, and restoring property to victims. The effective use of both criminal and civil asset forfeiture is an essential component of the Department’s efforts to combat the most sophisticated criminal actors and organizations—including terrorist financiers, cyber criminals, fraudsters, human traffickers, and transnational drug cartels.

D. AFP Participants

The Criminal Division’s Money Laundering and Asset Recovery Section (MLARS) has been delegated general policy and oversight functions for the Program, including litigation support to the U.S. Attorneys’ Offices, international asset recovery, and victim compensation. The Justice Management Division’s Asset Forfeiture Management Staff (AFMS) provides the administrative management and oversight of the Fund, including review and evaluation of all AFF-resourced Program activities. AFMS manages all budgeting, financial management, and contracting operations related to the AFF. AFMS oversight and management controls help ensure consistency and transparency of AFF resource allocations across the entire Asset Forfeiture Program. The U.S. Marshals Service (USMS) is the primary custodian of seized property for the Program and manages and disposes of the majority of property seized for forfeiture.

Other DOJ participants include the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Drug Enforcement Administration (DEA), the Executive Office for United States Attorneys (EOUSA), the Federal Bureau of Investigation (FBI), and the Organized Crime Drug Enforcement Task Forces (OCDETF).

Non-DOJ participants include the U.S. Department of Agriculture, Office of Inspector General (USDA); the U.S. Department of Defense, Criminal Investigative Service (DCIS); the U.S. Department of State, Bureau of Diplomatic Security (BDS); the U.S. Food and Drug Administration, Office of Criminal Investigations (FDA); and the U.S. Postal Inspection Service (USPIS).

Table 1 displays the functional activities of the participating agencies.

Function	AFMS	ATF	DCIS	DEA	BDS	EOUSA	FBI	FDA	MLARS	OCDETF	USDA	USMS	USPIS
Investigation		X	X	X	X		X	X	X	X	X		X
Litigation						X			X				
Custody of Assets		X		X			X					X	
Mgmt of Assets	X								X				

E. Asset Forfeiture Program Budget

Revenue

The Program’s primary sources of revenue are from cash, financial instruments, and proceeds from the sale of property forfeited by criminals and criminal organizations; the DOJ AFF’s share of forfeitures deposited into the Treasury Forfeiture Fund; and interest earned on the investment of the balances of the AFF and the Seized Asset Deposit Fund.

Expenses

The mandatory expenses of the Fund are set in a relative priority order so that unavoidable or mandatory costs are met first. Payments and reimbursements are permitted in seven general categories of expense that are described in Section V. The categories are listed in order of priority below.

1. Asset Management and Disposal;
2. Case Related Expenses;
3. Victim and Other Third Party Payments;
4. Equitable Sharing Payments;
5. Joint Law Enforcement Operations;
6. Program Management Expenses - expenses incurred in administering a national asset forfeiture program that are not related to any specific asset or to any one specific seizure or forfeiture. These include the following:
 - a. Information Technology Systems and Applications;
 - b. Special Contract Services;
 - c. Training and Printing; and
 - d. Other Program Management.
7. Investigative Expenses (Mandatory) - expenses normally incurred in the identification, location and seizure of property subject to forfeiture. These expenses include:
 - a. Awards Based on Forfeiture;
 - b. Contracts to Identify Assets; and
 - c. Investigative Costs Leading to Seizure.

Table 2 shows participating agencies and their projected spending by cost category.

Table 2: Summary of Full Year Obligations
(Dollars in Thousands)

PROGRAM OPERATIONS EXPENSES	AFP	AFMS	ATF	BDS	DCIS	DEA	EOUSA	FBI	FDA	MLARS	OCDETF	USDA	USMS	USPIS	TOTAL
Asset Management and Disposal															
FY 2019		-	3,029	-	-	639	-	60	-	-	-	-	41,190	10	44,928
FY 2020		-	2,479	-	5	1,088	-	60	-	-	-	-	42,600	10	46,242
FY 2021		-	2,680	-	5	1,115	-	61	-	-	-	1	43,434	10	47,306
Victim & Other Third Party Payments															
FY 2019		-	3	-	-	7	-	20	-	-	-	-	559,794	-	559,824
FY 2020		-	10	-	-	23	-	20	-	-	-	-	1,250,800	-	1,250,853
FY 2021		-	25	-	-	40	-	20	-	-	-	-	210,000	-	210,085
Equitable Sharing Payments															
FY 2019		-	-	-	-	-	-	-	-	-	-	-	346,813	-	346,813
FY 2020		-	-	-	-	-	-	-	-	-	-	-	306,000	-	306,000
FY 2021		-	-	-	-	-	-	-	-	-	-	-	315,000	-	315,000
Case Related Expenses															
FY 2019		-	148	-	20	385	20,777	975	300	18,665	-	5	-	-	41,275
FY 2020		-	146	-	25	410	22,268	975	450	18,697	-	5	-	-	42,976
FY 2021		-	149	-	26	419	25,716	997	461	16,190	-	6	-	-	43,964
Joint Law Enforcement Task Operations															
FY 2019		-	16,426	-	-	45,768	-	43,855	400	-	30,600	185	36,071	-	173,304
FY 2020		-	18,085	-	-	54,579	-	49,134	425	-	33,200	175	40,091	-	195,689
FY 2021		-	18,085	-	-	54,579	-	49,134	425	-	33,200	175	40,091	-	195,689
Special Contract Services															
FY 2019		-	12,254	-	-	32,541	33,331	11,938	-	5,926	-	446	10,094	1,300	107,830
FY 2020		-	13,805	-	-	36,188	36,874	12,520	-	6,528	-	468	12,494	1,363	120,240
FY 2021		-	14,000	-	-	38,932	37,722	12,808	-	6,295	-	479	12,781	1,370	124,387
Storage, Protection, and Destruction of Controlled Substances															
FY 2019		-	30	-	-	6,220	-	-	-	-	-	-	-	-	6,249
FY 2020		-	43	-	-	8,041	-	-	-	-	-	-	-	-	8,084
FY 2021		-	44	-	-	8,226	-	-	-	-	-	-	-	-	8,270
Information Systems															
FY 2019		34,916	396	-	71	2,341	-	77	500	12	-	-	4,633	-	42,946
FY 2020		37,350	392	-	303	11,290	-	94	567	40	-	-	6,823	-	56,859
FY 2021		35,000	420	-	303	14,618	-	96	650	100	-	-	6,980	-	58,167
Training and Printing															
FY 2019		37	264	-	53	840	736	991	177	339	3	108	435	20	4,002
FY 2020		45	687	26	37	1,762	1,666	1,338	112	571	75	91	1,311	10	7,731
FY 2021		45	300	10	68	1,248	1,700	1,400	100	1,520	50	124	1,324	20	7,909
Other Program Management															
FY 2019		14,233	1,588	-	-	471	12,730	579	-	30,470	1,500	5	34,654	-	96,230
FY 2020		15,360	1,857	-	-	143	16,130	610	-	34,604	1,958	5	38,093	-	108,760
FY 2021		15,728	1,899	-	-	434	16,400	810	-	33,149	2,003	5	40,833	-	111,261
Contracts to Identify Assets															
FY 2019		-	11,073	1,500	5,050	14,723	2,383	20,428	8,022	3,333	7,846	370	-	-	74,727
FY 2020		-	11,186	1,574	5,081	17,055	2,713	21,040	8,399	3,383	9,158	259	-	15	79,863
FY 2021		-	10,230	1,500	6,200	16,950	-	22,000	8,941	3,447	11,946	486	-	-	81,700
Awards Based on Forfeiture															
FY 2019		-	25	-	-	13,998	-	1,000	-	-	-	-	-	-	15,023
FY 2020		-	16	-	-	14,000	-	1,000	-	-	-	-	-	-	15,016
FY 2021		-	16	-	-	14,000	-	1,345	-	-	-	-	-	-	15,361

Table 2 Continued¹

PROGRAM OPERATIONS EXPENSES		AFMS	ATF	BDS	DCIS	DEA	EOUSA	FBI	FDA	MLARS	OCDETF	USDA	USMS	USPIS	TOTAL
Investigative Costs Leading to Seizures															
FY 2019		-	399	-	175	76,899	-	3,000	100	-	-	100	-	-	80,674
FY 2020		-	400	-	120	71,723	-	3,000	-	-	-	50	-	-	75,293
FY 2021		-	400	-	204	73,209	-	3,069	-	-	-	143	-	-	77,025
Obligations Adjustment															
FY 2019		-	-	-	-	-	-	-	-	-	-	-	-	-	4,240
FY 2020		-	-	-	-	-	-	-	-	-	-	-	-	-	-
FY 2021		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Subtotal, Program Operations Expenses															
FY 2019		49,186	45,635	1,500	5,369	194,831	69,956	82,923	9,499	58,744	39,949	1,219	1,033,684	1,330	1,598,065
FY 2020		52,755	49,106	1,600	5,571	216,302	79,651	89,791	9,953	63,823	44,391	1,053	1,698,212	1,398	2,313,606
FY 2021		50,405	48,248	1,510	6,806	223,770	81,538	91,740	10,577	60,701	47,199	1,419	670,443	1,400	1,296,124
INVESTIGATIVE EXPENSES															
Purchase of Evidence															
FY 2019		-	1,083	-	-	4,872	-	3,209	225	-	-	-	-	-	9,389
FY 2020		-	1,083	-	-	5,074	-	3,209	225	-	-	-	-	-	9,591
FY 2021		-	1,083	-	-	5,074	-	3,182	261	-	-	-	-	-	9,600
Equipping of Conveyances															
FY 2019		-	-	-	-	-	-	-	10	-	-	-	163	-	173
FY 2020		-	-	-	-	-	-	-	10	-	-	-	145	-	155
FY 2021		-	-	-	-	-	-	-	4	-	-	-	126	-	130
Awards for Information															
FY 2019		-	129	-	-	5,803	-	4,687	15	-	-	-	93	-	10,727
FY 2020		-	118	-	-	5,807	-	4,687	15	-	-	-	141	-	10,768
FY 2021		-	118	-	-	5,898	-	4,687	11	-	-	-	70	-	10,784
Subtotal, Investigative Expenses															
FY 2019		-	1,201	-	-	10,972	-	7,869	276	-	-	-	196	-	20,290
FY 2020		-	1,201	-	-	10,881	-	7,896	250	-	-	-	286	-	20,514
FY 2021		-	1,201	-	-	10,972	-	7,869	276	-	-	-	196	-	20,514
TOTAL Regular Obligations															
FY 2019		49,186	46,836	1,500	5,369	205,803	69,956	90,792	9,775	58,744	39,949	1,219	1,033,880	1,330	1,618,355
FY 2020		52,755	50,307	1,600	5,571	227,183	79,651	97,687	10,203	63,823	44,391	1,053	1,698,498	1,398	2,334,120
FY 2021		50,405	49,449	1,510	6,806	234,742	81,538	99,609	10,853	60,701	47,199	1,419	670,639	1,400	1,316,638
SURPLUS															
Surplus Obligations															
FY 2019		-	-	-	-	-	-	-	-	-	-	-	-	-	-
FY 2020	10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000
FY 2021		-	-	-	-	-	-	-	-	-	-	-	-	-	-
GRAND TOTAL															
FY 2019		49,186	46,836	1,500	5,369	205,803	69,956	90,792	9,775	58,744	39,949	1,219	1,033,880	1,330	1,618,355
FY 2020	10,000	52,755	50,307	1,600	5,571	227,183	79,651	97,687	10,203	63,823	44,391	1,053	1,698,498	1,398	2,344,120
FY 2021		50,405	49,449	1,510	6,806	234,742	81,538	99,609	10,853	60,701	47,199	1,419	670,639	1,400	1,316,638

¹ Due to timing and revised estimates, FY 2020 grand total obligations amount deviates from the Budget Appendix. This number is italicized above.

Unobligated Balances

Due to the unpredictable timing of AFF revenue and expenses, unobligated balances are carried over from one fiscal year to the next to maintain the solvency of the AFF and to cover a variety of pending liabilities.² The amount of unobligated monies carried forward to maintain a successful transition into each new fiscal year for specific continuity requirements are estimated as follows:

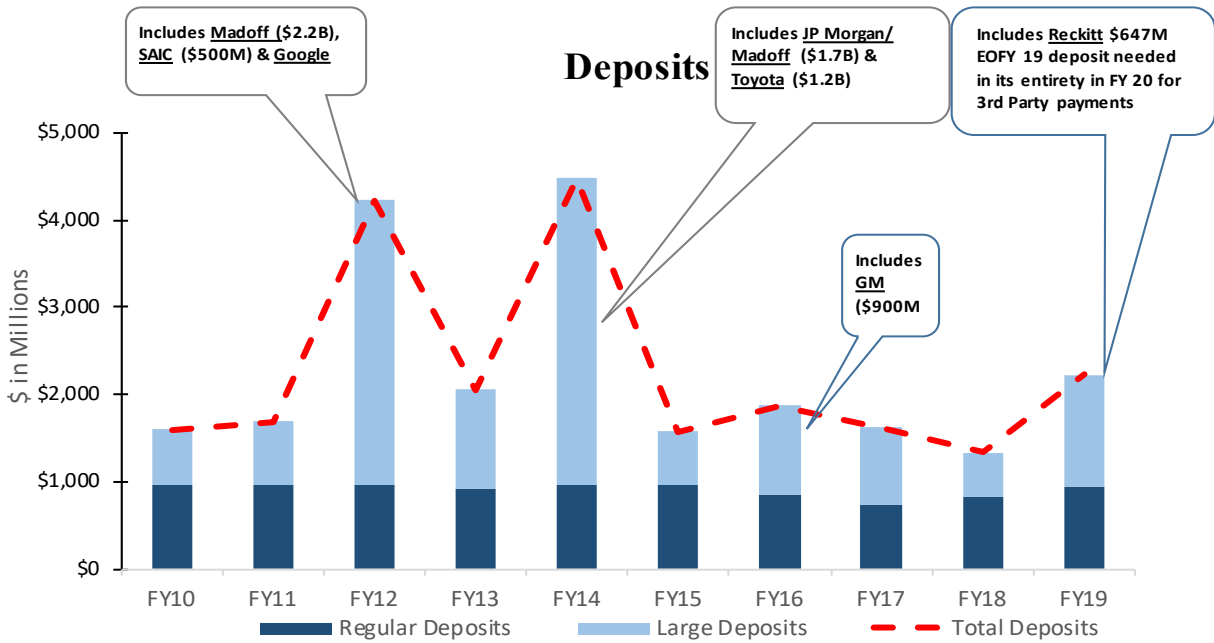
- one quarter of the previous fiscal year's funding for Program-wide administrative and investigative support contracts;
- full costs of the previous fiscal year's funding to cover pending expenses with state and local law enforcement agencies that participated in Joint Law Enforcement Operations;
- half of the previous year's funding for the Consolidated Asset Tracking System (CATS), the Program's primary information system;
- full costs of the previous year's expenses for government salaries that have been approved by the Attorney General;
- amounts for reasonably possible contingencies for Equitable Sharing and Victim & Other Third Party Payments to ensure that sufficient funds will be available for liabilities that do not yet meet the criteria for an obligation, but are anticipated to do so in the future based on an analysis of prior year case data; and
- amounts set aside to meet operational needs when expenses are expected to exceed receipts.

Trends

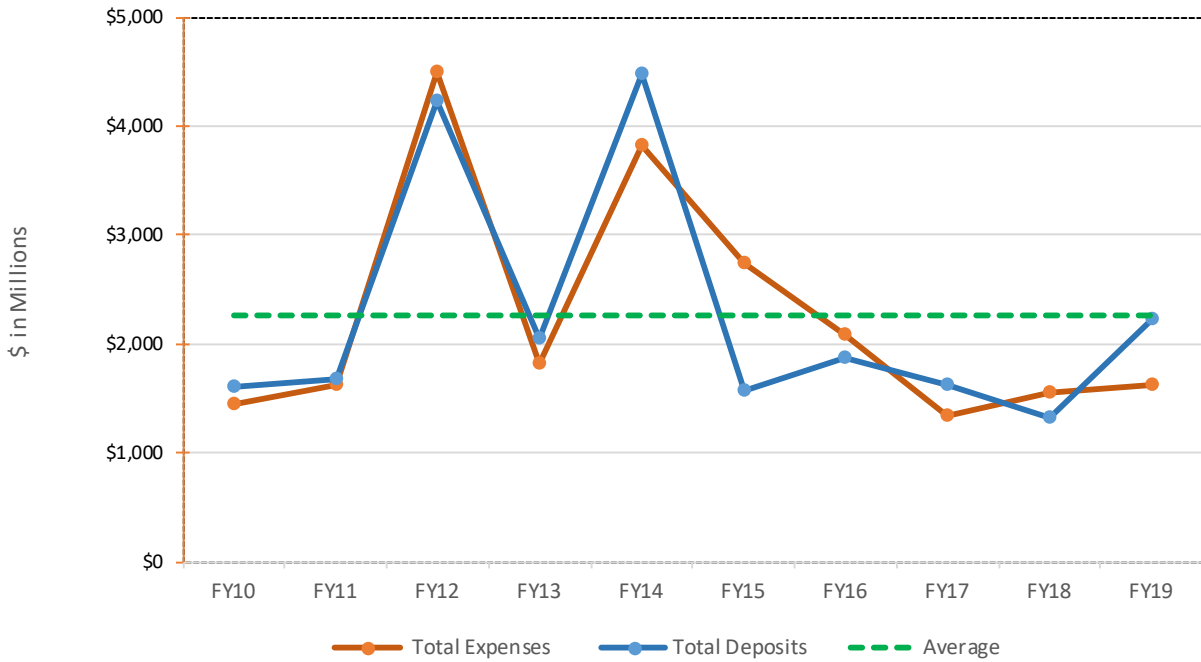
Regular deposits into the AFF (defined as deposits of less than \$20 million) were relatively consistent for eight years, but dropped by 29 percent from FY 2016 to FY 2018. FY 2019 regular deposits returned to pre-FY 2016 levels. A handful of very large case settlements (those exceeding \$20 million) accounted for some unusual spikes during the past few years. To put this in perspective, four large case settlements accounted for roughly 34 percent of all AFF revenue during the past six years.

Even though the AFF is a revolving account with continuously changing balances, annual deposits and expenses generally mirror each other. As illustrated in the chart below, most often these large case deposits are offset by corresponding victim liabilities and equitable sharing payments. The ten-year average of Fund activity is roughly \$2.2 billion per year in deposits and associated expenses. Although the average for fiscal years 2015 to 2018 was only \$1.59 billion per year, FY 2019 showed signs of normalization back to \$2.2 billion.

² See 28 U.S.C. 524(c)(8)(D).

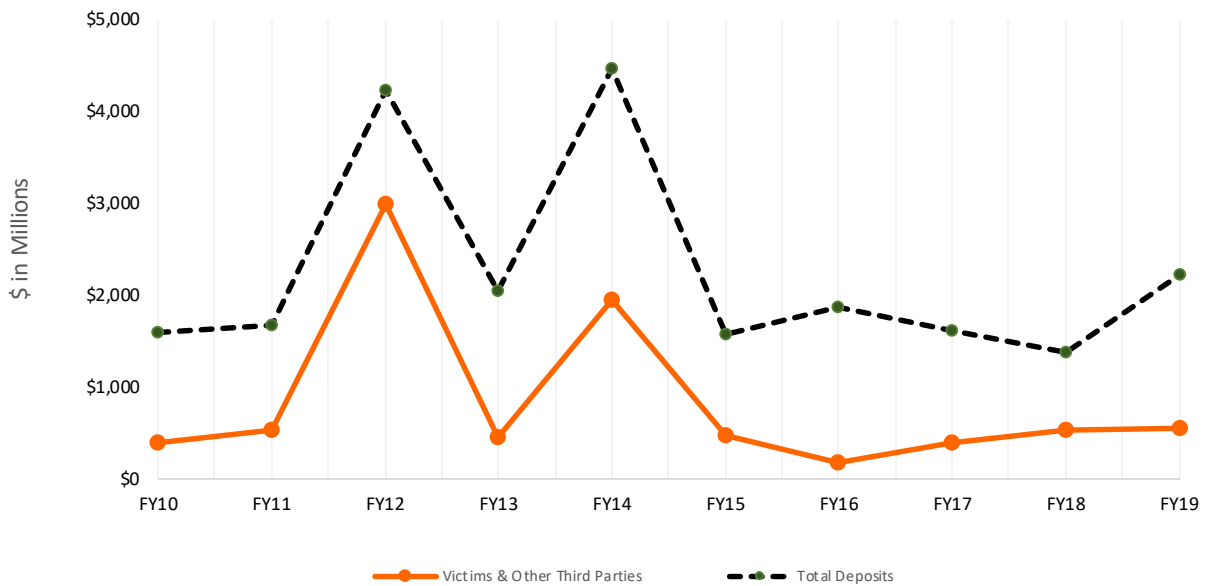


Total Deposits & Expenses



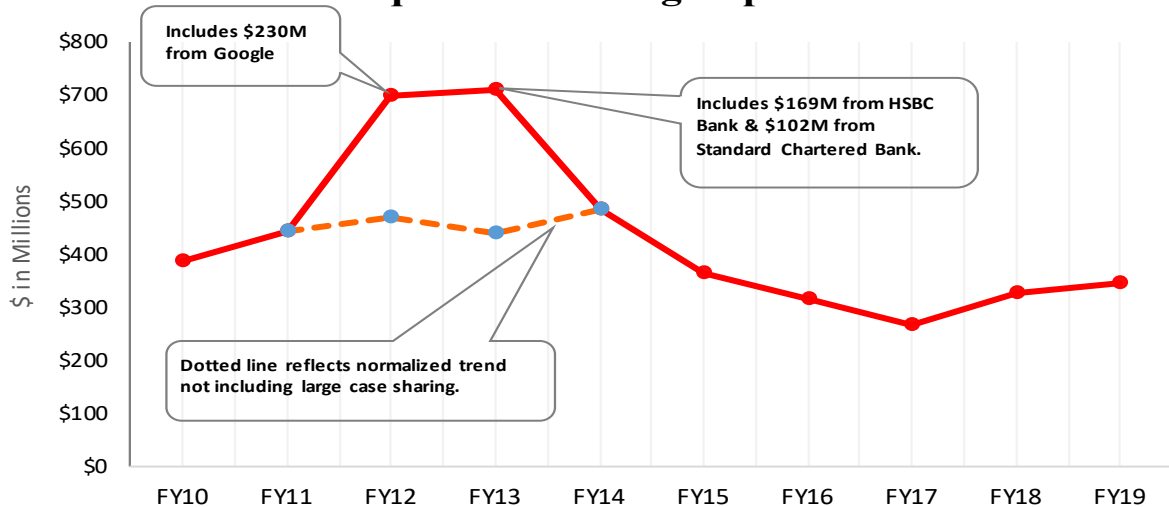
Payments to help compensate victims and other innocent third parties directly correlate with forfeitures where those parties have suffered financial loss. Victims payments represent 38 percent of all Program expenses incurred over the last 10 years.

Victims' & Other Innocent Third Parties' Expenses



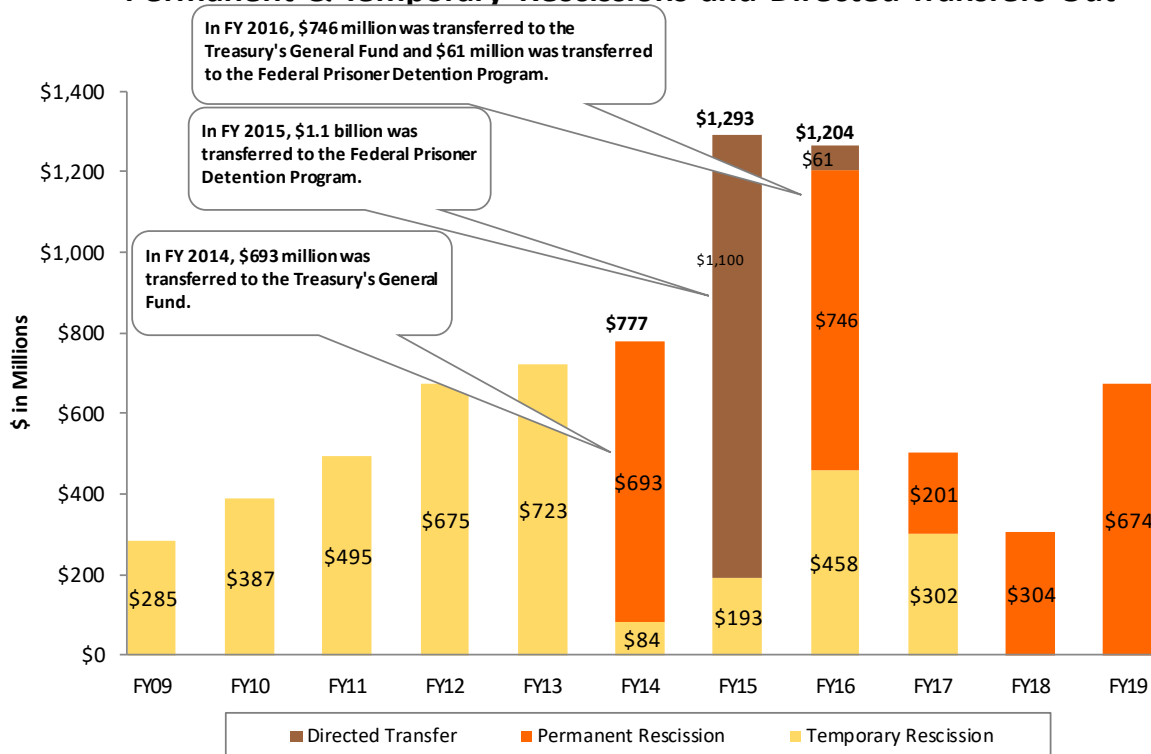
Equitable sharing payments represent another 19 percent of total Program expenses over the same 10-year period.

Equitable Sharing Expenses



After victim claims and other normal operating expenses are paid, any large surplus balances may be spent to help fund other law enforcement-related priorities. More recently, Congress has directed some surplus balances be deposited into the United States Treasury General Fund and also directed certain amounts be transferred to support the cost of federal prisoner detention operations. Once it became apparent there would be potential excess balances caused by large case deposits during fiscal years 2012 and 2014, Congress directed those surpluses be used to fund prisoner detention expenses in fiscal year 2015. A total of \$10.4 million in surplus balances was uncovered at the end of FY 2019; of this, \$10 million are planned for use in law enforcement priorities in FY 2020.

Permanent & Temporary Rescissions and Directed Transfers Out



FY 2019 Highlights: Forfeiture revenue from cases, reimbursable earnings, and prior year obligation recoveries totaled \$2.292 billion in FY 2019, an increase of \$868.8 million from the previous fiscal year. FY 2019 revenue was \$1.146 billion above the estimates provided in the FY 2019 President's Budget.

Mandatory and discretionary expenses in FY 2019 totaled \$1.618 billion, an increase of \$58.1 million from FY 2018. FY 2019 expenses were \$412 million above the estimates provided in the FY 2019 President's Budget. The increase reflects funds needed for set asides in two cases with victim payments of \$279 million, an additional \$136 million in interest for the Madoff fraud scheme, and a \$57 million international sharing payment set aside. The Consolidated Appropriations Act, 2019 (P.L. 116-6) enacted in February 2019 included a \$674 million permanent rescission of Program funds.

FY 2020 Highlights: The Department forecasts revenue of \$1.581 billion in FY 2020 from forfeiture deposits, reimbursable earnings, and recoveries. This is \$431.6 million above the estimates provided in the FY 2020 President's Budget. The Program is estimating \$2.344 billion for mandatory and discretionary expenses in FY 2020, an increase of \$1.095 billion above the projection included in the FY 2020 President's Budget of \$1.25 billion. The increase primarily reflects funds needed for set asides in two cases with expected victims payments totaling approximately \$1.060 billion. There are no rescissions requested or enacted in FY 2020.

FY 2021 Highlights: Given the focus on forfeitures in corporate fraud and other financial crime cases, the Program expects deposits due to these crimes to continue into FY 2021. It is anticipated that a significant amount of these deposits will be returned to the victims of the underlying offenses. At this time, the Department estimates \$1.168 billion in revenue from forfeiture deposits, reimbursable earnings, and recoveries.

For FY 2021, the Department is estimating \$1.317 billion for mandatory and discretionary expenses, including \$210 million for victim and other third party payments and \$315 million for equitable sharing payments. Also included, provided that net receipts support this expense level, is \$196 million to pay overtime expenses and other costs of state and local law enforcement officers engaged in joint operations with federal law enforcement agencies participating in the Program.

The Fund is subject to a sequestration reduction currently estimated at \$64.3 million for FY 2021.

G. Issues and Challenges

The challenges that impact achievement of Program goals are complex and dynamic. New legislation and case law, technological developments, changing demographics, and the internationalization of criminal organizations are only a few factors that impact the AFP and pose challenges that demand attention.

External

The globalization of economic and financial systems, the rapidly changing nature of technology, and the growing sophistication of criminal organizations have increased the prevalence of economic crime. When foreign governments, terrorists, or well-established international criminals are involved, the investigative techniques often require specialist teams, as well as analytical tools and methods to evaluate many variations of highly complex, technical, and data-intensive crimes. In recent years, the Program has focused increasing attention on building technical and operational capacity to investigate complex economic crime.

Internal

As discussed above, regular case receipts declined by 29 percent from FY 2016 through FY 2018, with FY 2019 returning to pre-FY 2016 levels. This drop in regular deposits had made the Program increasingly reliant on sporadic and unpredictable revenues from large forfeiture cases to cover normal operating expenses. As noted earlier, four large case settlements accounted for roughly 34 percent of all asset forfeiture revenue during the past six years. The Program is evolving towards a more agile AFF budget execution model in order to make strategic reductions, and investments in new areas where forfeiture is expected to play a major role in the future.

II. Summary of Program Changes

No program changes.

III. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

Analysis of Appropriations Language

No substantive changes are proposed.

IV. Program Activity Justification³

Asset Forfeiture Program TOTAL	Direct Pos.	Estimate FTE	Amount
2019 Enacted	422	379	1,618,355
2020 Enacted	422	403	<i>2,344,120</i>
Adjustments to Base and Technical Adjustments	0	0	86,582
2021 Current Services	422	403	2,430,702
2021 Program Increases	0	0	0
2021 Program Offsets	0	0	<i>(1,114,064)</i>
2021 Request	422	403	1,316,638
Total Change 2020-2021	0	0	<i>(1,027,482)</i>

Mandatory, Indefinite Authority Total	Direct Pos.	Estimate FTE	Amount
2019 Enacted	422	379	1,597,841
2020 Enacted	422	403	<i>2,323,606</i>
Adjustments to Base and Technical Adjustments	0	0	86,582
2021 Current Services	422	403	2,410,188
2021 Program Increases	0	0	0
2021 Program Offsets	0	0	<i>(1,114,064)</i>
2021 Request	422	403	1,296,124
Total Change 2020-2021	0	0	<i>(1,027,482)</i>

Appropriated, Definite Authority Total	Direct Pos.	Estimate FTE	Amount
2019 Enacted	0	0	20,514
2020 Enacted	0	0	20,514
Adjustments to Base and Technical Adjustments	0	0	0
2021 Current Services	0	0	20,514
2021 Program Increases	0	0	0
2021 Program Offsets	0	0	0
2021 Request	0	0	20,514
Total Change 2020-2021	0	0	0

³ Due to timing and revised estimates, FY 2020 mandatory budget authority estimate and total budget authority estimate deviate from the Budget Appendix. These numbers are italicized above.

V. FY 2021 Asset Forfeiture Program Estimates⁴

Asset Forfeiture Program

1. Summary of Requirements by Financing

(Dollars in Thousands)

Financing	FY 2019 Actuals	FY 2020 Estimates	FY 2021 Estimate	2020 - 2021 Total Change
Unobligated balance of receipts, start-of-year				
Retention of Unobligated Balances to maintain AFF Solvency	294,686	295,523	310,109	14,586
Set aside for Rescission Impact	674,000	0	0	0
Major Third Party Payment Reserves	0	647,000	0	(647,000)
Prior Surplus Balances Carried Forward	65,116	10,000	0	(10,000)
FY 2019 Operations	108,096	0	0	0
FY 2020 Operations	58,968	219,141	0	(219,141)
FY 2021 Operations	0	0	146,818	146,818
Unobligated balance of receipts, start-of-year	1,200,866	1,171,664	456,927	(714,737)
Collections/deposits/receipts/recoveries:				
Regular receipts	910,375	800,000	800,000	0
Extraordinary Receipts	1,291,958	688,000	275,000	(413,000)
<i>Total Receipts</i>	<i>2,202,333</i>	<i>1,488,000</i>	<i>1,075,000</i>	<i>(413,000)</i>
Reimbursable Earnings/Receipts	19,021	17,692	18,200	508
Prior year rescissions restored	0	0	0	0
Prior year sequestration restored	105,666	135,273	86,582	(48,691)
Recovery/Refunds of prior year obligations	71,406	75,000	75,000	0
Proposed Rescission - Permanent	0	0	0	0
Permanent Rescission	(674,000)	0	0	0
Sequestration	(135,273)	(86,582)	(64,308)	22,274
Collections/deposits/receipts/recoveries:	<i>1,589,153</i>	<i>1,629,383</i>	<i>1,190,474</i>	<i>(438,909)</i>
Total Direct resources available	2,770,998	2,783,355	1,629,201	(1,154,154)
Total resources available	2,790,019	2,801,047	1,647,401	(1,153,646)
Less: Unobligated balance of receipts, end-of-year				
Retention of Unobligated Balances to maintain AFF Solvency	(295,523)	(310,109)	(330,326)	(20,217)
Potential Excess Unobligated Balances Set aside for Rescission	0	0	0	0
RP Contingencies for Victims & Other Third Parties	(647,000)	0	0	0
RP Contingencies for Equitable Sharing	0	0	0	0
Surplus Balances Realized in Current Year Carried Forward	(10,000)	0	0	0
FY 2020 Operations	(219,141)	0	0	0
FY 2021 Operations	0	(146,818)	0	146,818
FY 2022 Operations	0	0	(437)	
Unobligated balance of receipts, end-of-year	(1,171,664)	(456,927)	(330,763)	126,164
Total Direct Obligations	1,599,334	2,326,428	1,298,438	(1,027,990)
Total Obligations	1,618,355	2,344,120	1,316,638	(1,027,482)

⁴ Due to timing, FY 2019 direct obligations, FY 2020 receipts, FY 2020 direct obligations and total obligations, and FY 2020 and FY 2021 unobligated balance amounts deviate from the Budget Appendix. These numbers are italicized above.

Asset Forfeiture Program
2. Obligations by Type of Expense*
(Dollars in Thousands)

	FY 2019 Actuals	FY 2020 Estimates	FY 2021 Estimate	2020 - 2021 Total Change
Mandatory expenses: (indefinite authority)				
Case support expenses:				
Asset Management and Disposal	44,928	46,242	47,306	1,064
Victim & Other Third Party Payments	559,824	1,250,853	210,085	(1,040,768)
Case Related Expenses	41,275	42,976	43,964	988
Special Contract Services	107,830	120,240	124,387	4,147
Investigative Costs Leading to Seizures	80,674	75,293	77,025	1,732
Contracts to Identify Assets	74,727	79,863	81,700	1,837
Awards Based on Forfeiture	15,023	15,016	15,361	345
Program support expenses:				
Information Systems	42,946	56,859	58,167	1,308
Training and Printing	4,002	7,731	7,909	178
Other Program Management	96,230	108,760	111,261	2,501
Other authorized expenses:				
Storage, Protection & Destruction of Controlled Substances	6,249	8,084	8,270	186
Equitable Sharing Payments	346,813	306,000	315,000	9,000
Joint Law Enforcement Operations	173,304	195,689	195,689	0
Obligations Adjustment	<u>4,240</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal: Mandatory Expenses	1,598,065	2,313,606	1,296,124	(1,017,482)
Investigative expenses				
Awards for Information	10,727	10,768	10,784	16
Purchase of Evidence	9,389	9,591	9,600	9
Equipping of Conveyances	<u>173</u>	<u>155</u>	<u>130</u>	(25)
Subtotal: Investigative Expenses	20,290	20,514	20,514	0
Total, Mandatory and Investigative Expenses	1,618,355	2,334,120	1,316,638	(1,017,482)
Surplus amounts obligated	<u>0</u>	<u>10,000</u>	<u>0</u>	(10,000)
Total Direct Obligations	1,599,334	2,326,428	1,298,438	(1,027,990)
Total Obligations	1,618,355	2,344,120	1,316,638	(1,027,482)

* The estimated revenue and expenses for FY 2020 and FY 2021 reflected in this document will change significantly over the next several months as the result of ongoing analysis into the impact of recent policy changes in the Asset Forfeiture Program as well as trends in seizure and forfeiture activity.

3. Program Expense Descriptions

A. MANDATORY EXPENSES, INDEFINITE AUTHORITY

1. Asset Management and Disposal

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$44,928,000	\$46,242,000	\$47,306,000	\$1,064,000

Asset management and disposal expenses are incurred in connection with the seizure, inventory, appraisal, packaging, movement, storage, maintenance, security, and disposition of seized and forfeited assets located domestically and abroad, including the destruction of contraband. Asset management expenses may also include payment of contract services to operate and manage properties, or provide other specialized services as necessary to manage and/or dispose of such properties.

2. Victim & Other Third Party Payments

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$559,824,000	\$1,250,853,000	\$210,085,000	-\$1,040,768,000

This category of expense is primarily used to return property interest to qualifying victims. Other qualified third party interests are those expenses incurred in the payment of valid liens, secured mortgages, and debts owed to qualified general creditors pursuant to court orders or favorable rulings on petitions for forfeiture remission or mitigation. This includes the restoration of proceeds of sales pursuant to court orders or administrative determinations.

The increase in FY 2020 reflects the estimated payments of a \$647 million end of FY 2019 case deposit and a \$413.8 million FY 2020 case deposit that will be paid to victims.

3. Equitable Sharing Payments

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$346,813,000	\$306,000,000	\$315,000,000	\$9,000,000

Equitable sharing payments represent the transfer of portions of federally forfeited cash and proceeds from the sale of forfeited property to state and local law enforcement agencies and foreign governments that directly assisted in targeting or seizing the property. These amounts reflect the relative degree of participation in the law enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law enforcement effort with respect to the violation of law on which the forfeiture is based. No equitable sharing payments are made until after victims or other innocent third party claims are satisfied.

4. Case Related Expenses

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$41,275,000	\$42,976,000	\$43,964,000	\$988,000

Case related expenses are those expenses that are incurred in connection with normal proceedings undertaken to perfect the United States' interest in seized property through forfeiture. This includes fees and other costs of advertising, translation, court and deposition reporting, expert witness, courtroom exhibit services, employment of attorneys or other specialists in state real estate law by the U.S. Marshals Service, travel and subsistence related to a specific proceeding, and other related items. In addition, the Deputy Attorney General may approve expenses for the retention of foreign counsel.

5. Joint Law Enforcement Operations

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$173,304,000	\$195,689,000	\$195,689,000	\$0

Under Joint Law Enforcement Operations (JLEO), the Fund pays for costs incurred by state and local law enforcement officers while directly involved in a joint law enforcement operation with the federal government, as authorized by 28 U.S.C. 524(c)(1)(I).

The growth in FY 2020/FY 2021 reflects investments in law enforcement efforts, including the establishment of new task forces to combat violent crime and reduce opioids in rural areas, and to combat crime through surge operations in select cities.

6. Special Contract Services

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$107,830,000	\$120,240,000	\$124,387,000	\$4,147,000

This expense category finances contract personnel to manage the administrative aspects of the Program, including data entry and analysis, file control and review, quality control, case file preparation, and other process support functions. In addition to administrative functions, Special Contract Services also supports the technical aspects of the asset forfeiture process, including the seizure, management, disposition, and post-disposition of assets; and case closure.

7. Storage, Protection, and Destruction of Controlled Substances

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$6,249,000	\$8,084,000	\$8,270,000	\$186,000

These resources fund DEA in the storage, protection, and destruction of controlled substances. These activities include the incineration of bulk quantities of marijuana, the security and transportation of evidence from DEA storage sites to approved incineration facilities, the storage of seized drug evidence in secured leased warehouses until the evidence can be destroyed, and support of the Domestic Cannabis Eradication/Suppression Program. The fund also supports the phased repair and replacement of aging narcotics safes in ATF field offices.

8. Information Systems

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$42,946,000	\$56,859,000	\$58,167,000	\$1,308,000

These resources primarily support the centralized operations and development of forfeiture-related systems and applications used by law enforcement officers and prosecutors to account for assets seized from criminal enterprises. The core business application is the Consolidated Asset Tracking System (CATS), along with approximately 20 separate applications that integrate with CATS, use CATS data, or function as an external application supporting CATS.

9. Training and Printing

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$4,002,000	\$7,731,000	\$7,909,000	\$178,000

This category is used to finance necessary training expenses directly related to the AFP. Generally, this will include any training necessary to maintain the competency of federal and contract personnel dedicated to performing federal forfeiture functions (e.g., trial advocacy for asset forfeiture attorneys, training on agency computers for contract employees); any exclusively asset forfeiture training program that is conducted for other personnel, for whom asset forfeiture is an ancillary duty, to enable them to be more effective in performing asset forfeiture program functions; and that portion of a broader law enforcement training program that is directly related to the identification, tracking, evaluation, seizing, processing, accounting for, management or disposition of property subject to forfeiture. It also funds printing expenses associated with forfeiture training and the performance of forfeiture functions.

10. Other Program Management

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$96,230,000	\$108,760,000	\$111,261,000	\$2,501,000

This category includes several types of expenses that are important to the overall management of the Program including program review and evaluation, requirements

analysis, policy development, the annual audit of the Fund’s financial statements by an independent accounting firm, and special assessments and reviews designed to improve program performance. This category also finances the salaries and expenses of the government employees assigned to AFMS, litigation and program oversight units of MLARS, and government personnel in member agencies who provide core asset forfeiture program management functions.

Funded exclusively by the AFF under this cost category, the Asset Forfeiture Financial Investigator (AFFI) program empowers 54 Deputy U.S. Marshals to investigate and satisfy outstanding court-ordered forfeiture money judgments, which in the past often went uncollected. By enforcing these judicial forfeiture orders, the AFFI program recovers millions of dollars of ill-gotten gains each year and ensures that crime does not pay.

11. Contracts to Identify Assets

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$74,727,000	\$79,863,000	\$81,700,000	\$1,837,000

This category funds the costs of contracting for a cadre of Senior Financial Investigators to support complex financial investigations within the Investigative Agencies to trace the proceeds of crime into assets subject to seizure. It also provides related support such as commercial database subscription services to nationwide public record data systems and the acquisition of specialized assistance to reconstruct seized financial records.

12. Awards Based on Forfeiture

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$15,023,000	\$15,016,000	\$15,361,000	\$345,000

These expenses are for the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any federal agency participating in the Fund. For instance, award payments to Confidential Sources (CS) are critical to fulfillment of the primary DEA mission – to disrupt and dismantle drug trafficking organizations. CS award payments provide a tremendous incentive to individuals to assist in drug trafficking investigations that result in the seizure and forfeiture of drug-related assets. Over the past several years, the FBI has pursued more substantial forfeitures due to the increased size and scope of criminal schemes in white collar crime, organized crime, and narcotics trafficking. The realization of these forfeitures was greatly assisted by informants.

13. Investigative Costs Leading to Seizures

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$80,674,000	\$75,293,000	\$77,025,000	\$1,732,000

Investigative costs leading to seizure (ICLS) are incurred in the identification, location, and seizure of property to be forfeited. ICLS expenses typically fall into three main categories: (1) investigative expenses in specific cases where the agency has a reasonable belief will lead to forfeitures, (2) investigative techniques that are a substantial factor in asset seizures, and (3) equipment that has a similarly substantial and measurable nexus to seizures.

B. INVESTIGATIVE EXPENSES

Definite, Appropriated (discretionary) Authority

1. Purchase of Evidence

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$9,389,000	\$9,591,000	\$9,600,000	\$9,000

Funding in this category is limited to the purchase of evidence directly related to violations of the Controlled Substances Act, the Controlled Substances Import and Export Act, the Racketeer Influenced and Corrupt Organizations Act, and criminal money laundering laws.

2. Equipping of Conveyances

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$173,000	\$155,000	\$130,000	-\$25,000

This category provides funding to equip government-owned or leased vehicles, vessels or aircraft for law enforcement purposes.

3. Awards for Information

FY 2019 <u>Actual</u>	FY 2020 <u>Estimate</u>	FY 2021 <u>Estimate</u>	Increase/Decrease <u>FY 2020 to FY 2021</u>
\$10,727,000	\$10,768,000	\$10,784,000	\$16,000

These expenses are for awards for information or assistance directly relating to violations of the criminal drug laws of the United States or of 18 U.S.C. chapter 77, 18 U.S.C. § § 1956 and 1957, 31 U.S.C. § § 5313 and 5324, and section 6050I of the Internal Revenue Code of 1986. The Justice for Victims of Trafficking Act of 2015 (P.L. 114–22) also authorized the use of this funding for human trafficking investigations as defined by 18 U.S.C. chapter 77.

There is no requirement that the information provided has any relationship to a civil or criminal forfeiture under federal law. Awards payable from the Fund directly support law enforcement efforts by furthering the cooperation and assistance of informants.

VI. Performance, Resources, and Strategies

To better manage resources, the Asset Forfeiture Program's strategic approach will continue to: (1) require a strong intelligence function that provides all-source information on target organizations to permit the assessment of vulnerabilities and the identification of key structural assets; (2) transcend specific cases to coordinate and target enforcement actions against the vulnerabilities of the underlying criminal organization; and (3) focus on removal of the assets that are key to the functionality and viability of the criminal organization. Special emphasis is placed on innovative ways to use the proceeds of asset forfeiture, in conjunction with other funds available to DOJ's investigative and prosecutive offices, to support operations that focus on the disruption and dismantling of high priority criminal organizations and not merely on the conviction of individuals and forfeiture of their personal property.

A. Performance Plan and Report for Outcomes

The FY 2021 Performance Plan reflects performance measures that have been identified through stakeholder meetings and internal reviews as being critical to the Program's continued success in helping the Nation's law enforcement community to disrupt and dismantle criminal organizations. The performance indicators outlined in the following tables are internal to the performance of AFMS in its support of DOJ's Strategic Goal 1, Enhance National Security and Counter the Threat of Terrorism; Strategic Goal 3, Reduce Violent Crime and Promote Public Safety; and Strategic Goal 4, Promote Rule of Law, Integrity, and Good Government.

B. Strategies to Accomplish Outcomes

The performance indicators are for AFMS, the participant with management control of the Fund. In its role, AFMS supports law enforcement authorities in their seizure and forfeiture activities by providing funding for their accessibility to CATS. The Asset Forfeiture Program is executed by its member agencies, and their performance is reported under their leadership's guidance.

C. Data Definitions

FTE - The AFP reimburses the USMS for the salaries of administrative personnel responsible for the AFP's property custodial functions. Similarly, the AFP reimburses the Criminal Division for FTEs associated with the litigation and program oversight units of MLARS, and reimburses various DOJ member agencies for government personnel who provide core asset forfeiture program management functions. AFMS has 28 FTEs, which are paid directly from the AFP's mandatory account.

Funding - The source of AFP funds is from the receipts realized by the AFF in the respective years. As the AFF is a permanent indefinite fund, it may fund Program activities from the unobligated balances carried forward from prior years.

Performance - One of the tasks of the Program's managers is to provide administrative and management support of Program activities. As a result of a reevaluation of the Program's performance measures, the indicators were changed in 2001 to reflect more accurately the activities of the Program administrators rather than the Program participants.

Performance Measures 1, 2 and 3 - CATS, Business Objects, and SharePoint services are available to participating AFP customers from 8:00 a.m. to 8:00 p.m., Eastern Standard Time, Monday through Friday, excluding all federal holidays and/or local government closures. Normally scheduled maintenance outages are conducted during non-operational hours (weekends, holidays, and off-hours). Emergency outages and system failures occurring during the core operational hours will impact availability to its customer base, affecting all three performance measures. For fiscal years 2020 and 2021, the estimated total number of core supported hours is approximately 3,000. The goal is to provide 99.8 percent availability to customers.

PERFORMANCE AND RESOURCES TABLE												
Decision Unit: Asset Forfeiture Program ^A												
RESOURCES			Target		Actual		Projected		Changes		Requested (Total)	
			FY 2019		FY 2019		FY 2020		Current Services Adjustments and FY 2021 Program Changes		FY 2021 Request	
Total Costs and FTE (reimbursable FTE are included, but reimbursable costs are bracketed and not included in the total)			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
			[]	[]	[]	[]	[]	[]	[]	[]	[]	[]
TYPE	STRATEGIC OBJECTIVE	PERFORMANCE ^B	FY 2019		FY 2019		FY 2020 ^C		Current Services Adjustments and FY		FY 2021 Request ^C	
			FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity		Management of the AFF										
	1.1, 3.1, 3.2, 4.1, 4.4	Provide financial support, control, and guidance to Fund participants in accordance with the Attorney General's Guidelines on Seized and Forfeited Property, July 1990.	403	\$1,621,174	379	\$1,599,334	403	\$2,326,428	[]	[]	403	\$1,298,438
Performance Measure: Output	1.1, 3.1, 3.2, 4.1, 4.4	Percent of time CATS is accessible in support of forfeiture agency operations.	99.8%		99.9%		99.8%				99.8%	
Performance Measure: Output	1.1, 3.1, 3.2, 4.1, 4.4	Percent of time Business Objects is accessible in support of forfeiture agency operations.	99.8%		99.9%		99.8%				99.8%	
Performance Measure: Output	1.1, 3.1, 3.2, 4.1, 4.4	Percent of time Sharepoint Services are accessible in support of forfeiture agency operations.	99.8%		99.9%		99.8%				99.8%	
Performance Measure: Outcome	1.1, 3.1, 3.2, 4.1, 4.4	Achieve effective funds control as corroborated by an unmodified opinion on the AFF financial statements.	100%		100%		100%				100%	

^A The performance by and resources allocated to the AFP participants are indicated in their respective budgets.

^B Only the performance by the AFMS in the financial management of the AFF is indicated.

^C In addition to the 403 direct FTE, AFF participating agencies provide 3 law enforcement detailees, who assist the management of the AFF.

Note: Due to timing, numbers displayed may deviate from the Budget Appendix.

		PERFORMANCE MEASURE TABLE									
		Decision Unit: Asset Forfeiture Program									
Strategic Objective	Performance Report and Performance Plan Targets		FY 2015	FY 2016	FY 2017	FY 2018	FY 2019		FY 2020	FY 2021	FY 2022
			Actual	Actual	Actual	Actual	Target	Actual	Target	Target	Target
1.1 ,3.1, 3.2, 4.1, 4.4	Performance Measure	Percent of time CATS is accessible in support of forfeiture agency operations.	99.6%	99.8%	99.8%	99.9%	99.8%	99.9%	99.8%	99.8%	99.8%
1.1, 3.1, 3.2, 4.1, 4.4	Performance Measure	Percent of time Business Objects is accessible in support of forfeiture agency operations.	99.5%	99.8%	99.8%	99.9%	99.8%	99.9%	99.8%	99.8%	99.8%
1.1, 3.1, 3.2, 4.1, 4.4	Performance Measure	Percent of time Sharepoint Services are accessible in support of forfeiture agency operations.	99.6%	99.8%	99.8%	99.9%	99.8%	99.9%	99.8%	99.8%	99.8%
1.1, 3.1, 3.2, 4.1, 4.4	OUTCOME Measure	Achieve effective funds control as corroborated by an unmodified opinion on the AFF financial statements.	100%	100%	100%	100%	100%	100%	100%	100%	100%

VII. Glossary of Terms

Administrative Forfeiture - Process by which property may be forfeited to the United States by the seizing investigative agency or bureau without judicial involvement. Seizures must be based on probable cause. The authority for a seizing agency to start an administrative forfeiture action is found in 19 U.S.C. 1607.

Adoption - Federal forfeiture of property originally seized by a state or local law enforcement agency.

Civil Forfeiture - In rem proceeding brought against the property itself, rather than against the wrongdoer personally. The property is forfeitable because of its connection to the offense, and any person with a legal interest in the property may contest the forfeiture.

Criminal Forfeiture - In personam proceeding seeking forfeiture of property instituted in conjunction with a criminal charge against a particular defendant. Criminal forfeiture must be alleged in the indictment or other charging document.

Controlled Substance - Drug, other substance, or immediate precursor, included in Schedule I, II, III, IV, or V of the federal Controlled Substances Act or corresponding scheduling scheme of a state. Does not include alcoholic beverages or tobacco.

Conveyance - An aircraft, a vehicle, or a vessel.

Disposition of Property - Sale, transfer, retention, or destruction of property.

Equitable Sharing - Transfer of a share of federally forfeited property to a requesting state or local law enforcement agency or foreign government that has participated directly in any of the acts that led to the seizure or forfeiture of the property.

Equitable Sharing Program - Asset forfeiture has become one of the most powerful tools to combat and dismantle criminal enterprises by removing the proceeds and instrumentalities of the crime. The Equitable Sharing Program enhances cooperation among federal, state, and local law enforcement agencies by sharing a portion of these proceeds with state and local partners in direct relation with their participation to the total law enforcement effort resulting in forfeiture. The Equitable Sharing Program was created in 1984, and continues to grow with more than 7,200 participating state and local law enforcement agencies nationwide.

Forfeiture - Involuntary relinquishment of property without compensation as a consequence for such property's use in a manner contrary to the law. A forfeiture may be either administrative or judicial.

Informant - An undisclosed person who confidentially discloses material information of a law violation, thereby supplying a lead to officers for their investigation of a crime. This does not include individuals who supply information only after being interviewed by police officers, or who give information as witnesses during the course of an investigation. Also known as "confidential informant" or "CI," or "confidential source" or "CS."

Judicial Forfeiture - Forfeiture action adjudicated in the courts (civil or criminal), not processed administratively.

Kleptocracy - High-level, large-scale corruption, extortion, and theft of public money by or for public officials.

Kleptocracy Asset Recovery Initiative - The goal of KARI is to use the tools of the U.S. Government to identify and forfeit property derived from or involved in kleptocracy, and, when appropriate, return those assets to benefit the people of the countries harmed by the underlying corruption.

Lien - Claim upon the property of another as security for a debt.

Money Laundering - Term used to describe the conversion of illegally earned or otherwise tainted cash to one or more alternative forms that conceal its origin or ownership, often accomplished through steps taken to hide direct links to illegal activity and to allow the use of proceeds of illegal activity.

Net Proceeds - In the context of forfeiture, forfeited cash or gross receipts from the sale of forfeited property, less allowable asset management and case related expenses, third party interests, and any award based on the value of the forfeiture.

Proceeds - The Fraud Enforcement and Recovery Act (FERA), effective May 20, 2009, amended 18 U.S.C. 1956(c) by defining “proceeds” as “any property derived from or obtained or retained, directly or indirectly, through some form of unlawful activity, including the gross receipts of such activity.”

Property - Assets of any kind capable of being owned or possessed. May include a controlled substance, raw material, product, container, equipment, money, real property, vessel, vehicle, or aircraft. In the context of equitable sharing, tangible personal and real property, other than cash.

Racketeer Influenced and Corrupt Organizations (RICO) Act - Law codified at 18 U.S.C. 1961 et seq. that provides for criminal and civil penalties for those who engage in a “pattern of racketeering activity” or “collection of an unlawful debt” that has a special relationship to an “enterprise” affecting interstate commerce.

Real Property - Land, and generally whatever is erected, growing upon, or affixed to land. Also, rights issuing out of, annexed to, and exercisable within or about land. Real or immovable property consists of: land, that which is affixed to land, that which is incidental or appurtenant to land, and that which is immovable by law; except that for the purposes of sale, emblements, industrial growing crops, and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of sale, shall be treated as goods and be governed by regulating the sales of goods.

Seized Asset Deposit Fund (SADF) - Holding account administered by the U.S. Marshals Service for seized cash pending the resolution of forfeiture cases.

Seizure - Taking possession of property by legal process. A Fourth Amendment “seizure” occurs when there is some meaningful law enforcement interference with an individual’s possessory interest in his property.

Third Party Interest - Interest belonging to an individual or entity that is not a direct party to a matter between two other parties (primary parties). For example, in a forfeiture action, a lienholder has a third party interest.

Victim - Person who is the object of a crime or tort; for example, the victim of a robbery is the person robbed. The victim may be an individual, public or private corporation, government, partnership, or unincorporated association. For purposes of remission, any person who has suffered a pecuniary loss as a result of the defendant’s criminal activities.

VIII. EXHIBITS