



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable JD Vance
President
United States Senate
Washington, DC 20510

September 11, 2025

Dear President Vance:

On behalf of the Department of Justice (Department), we are pleased to present for the consideration of the Congress a legislative proposal to amend 18 U.S.C. § 3292 and add a new 18 U.S.C. § 3292A.

Section 3292 suspends the statute of limitations when the government is seeking to obtain and review evidence located in a foreign country. Section 3292 facilitates United States investigation of complex cross-border criminal cases involving foreign evidence—such as cases involving transnational criminal organizations including narcotics traffickers—without the concern that the statute of limitations will expire while waiting for foreign governments to provide evidence necessary for prosecution. Some courts have disagreed on several aspects of Section 3292, including: whether the statute only suspends the statute of limitations rather than reviving it once it has lapsed; whether a grand jury must be impaneled before the government can use the provision; whether evidence must be located abroad at the time the government makes its application; and the proper method for calculating the period of suspension. Enactment of this proposal would address these various issues, bringing clarity and uniformity to application of the statute. This proposal would also create a corresponding provision applying the same statute-of-limitations suspension to civil proceedings against illicit assets.

In section 3292(a)(1), the proposed amendments address several questions. First, the proposed amendments clarify that it is the official request to obtain evidence located in a foreign country that suspends the statute of limitations. Second, the amendments clarify that the government may properly file its application before or after it receives the evidence. Third, the amendments also codify caselaw making clear that the government must make the official request before the expiration of the statute of limitations. Finally, the proposed amendments clarify that a grand jury need not be impaneled before the application is filed.

In section 3292(a)(2), the proposed amendments preserve the time limit of 30 days for ruling on the application and clarify that the suspension of the statute of limitations is effective irrespective of the date on which the statute of limitations would have expired absent operation of this section.

In section 3292(b), the proposed amendments clarify the period of suspension in the case of official requests made separately or concurrently.

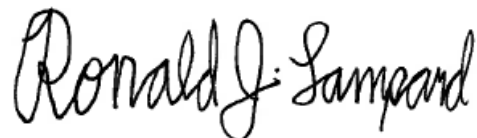
In section 3292(c), the proposed amendments remove the language in subsection (c)(2), which establishes a separate calculation of the suspension period for cases in which foreign authorities take final action before the original statute of limitations would have expired.

In section 3292(d), the proposed amendments clarify that the definition of “final action” means the “the receipt by the United States of the last response from the foreign court or authority either producing all requested evidence in the form requested or indicating that the official request has been, or will not be, fully executed,” and thus does not involve consideration of simply the completeness of the response.

This proposal would also create a new Section 3292A, a corresponding provision to apply the same statute-of-limitations suspensions to civil proceedings against illicit assets. When possible and appropriate, we can seize the proceeds of crime using criminal forfeiture provisions. But in many cases involving transnational criminal organizations such as drug cartels, the worst actors are beyond the United States criminal justice system, whether because they are located in foreign countries with which we have no extradition treaty, because they have official status rendering them immune from prosecution, or for myriad other reasons. Often, however, these foreign criminals take advantage of the United States by hiding their illicit assets here, including both the proceeds of their crimes and assets they use to commit their crimes. Civil *in rem* proceedings allow us to seize and forfeit these assets, even if we cannot prosecute the foreign criminal himself. Evidence from foreign governments is often critical in these cases to establish either the underlying crime or the link between the crime and the relevant assets. Applying the Section 3292 suspension provision to civil *in rem* proceedings via Section 3292A would expand our ability to combat foreign criminals’ hiding or using their illicit assets here in the United States. In order to ensure conformity with Section 3292, this proposal directly cross-references that provision. Any updates to Section 3292 would thus apply with equal force to the related civil provision.

Thank you for the opportunity to present our proposal. We are sending an identical letter to the Speaker of the House. The Office of Management and Budget has advised us that from the perspective of the Administration’s program, there is no objection to the submission of this proposal to Congress. We appreciate your consideration of this proposal and would welcome the opportunity to address your questions and provide technical assistance on any language you might consider.

Sincerely,

A handwritten signature in black ink that reads "Ronald J. Lampard". The signature is written in a cursive, flowing style.

Ronald J. Lampard
Deputy Assistant Attorney General

Enclosures

The Honorable JD Vance
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cc:

The Honorable Charles E. Grassley
President Pro Tempore
United States Senate
Washington, DC 20510

The Honorable John Thune
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
United States Senate
Washington, DC 20510