



U.S. Department of Justice

Equitable Sharing Wire

August 10, 2011

Asset Forfeiture and Money
Laundering Section
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Website for forms and publications

www.justice.gov/criminal/afmls

Permissible use of funds

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Compliance Issues and Equitable Sharing Agreement and Certification Form

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Treasury Offset Program's Effect on Equitable Sharing

Was the sharing amount deposited into your bank account less than your e-Share notification advised? AFMLS has been advised from several participating State and local law enforcement agencies that they are receiving wire transfers and equitable sharing notifications from the U.S. Marshals Service (USMS) for payments less than the reported amount and in some instances payments of \$1.00. These reduced deposits are the result of an outstanding debt incurred by the state or local government in the Treasury Department's debtor database.

The Debt Collection Improvement Act of 1996 (DCIA) requires the Department of the Treasury (Treasury) and other disbursing officials to offset federal payments to collect delinquent non-tax debts owed to the United States and to collect delinquent debts owed to states. In addition, the Taxpayer Relief Act of 1997 includes a provision that provides for the continuous levy of federal non-tax payments to collect delinquent tax debts. The Treasury Offset Program (TOP), which is designed to offset payments related to the DCIA, requires the collection of the payee's Taxpayer Identification Number (TIN) and banking account information.

In 2005, the USMS began disbursing equitable sharing through electronic fund transfers (EFT)—commonly known as e-Share. As a result of this conversion to EFT, transactions must be processed in compliance with the DCIA and TOP. If a debt is incurred against the TIN number provided on the USMS ACH Vendor Form, the funds the USMS transfer to your agency will be offset—even if that debt belongs to another agency in your jurisdiction. Often, in larger jurisdictions, multiple city, county or state agencies will share the same TIN number.

If this has happened to your agency, please read the steps below

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Signed Affidavit to complete
compliance

Feedback

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Treasury Executive Office for Asset Forfeiture

(202) 622-9600

www.treas.gov/offices

to assist your agency with recovering the funds.

Step One: Contact the USMS e-Share desk at 202-307-9205 or e.share.help@usdoj.gov to determine what TIN is on your ACH form

Step Two: Contact the TOP help line at 800-304-3107 to determine the amount of and reason for the debt

Step Three: Contact the ACA team representative for further guidance

AFMLS does not administer the TOP Program and cannot assist in obtaining information from the TOP helpline. Call your ACA representative only after you have contacted both the USMS and the TOP helpline for guidance.

Equitable Sharing for Financial Support Staff Training in Minneapolis

AFMLS will be providing *Equitable Sharing for Financial Support Staff* training in Minneapolis, MN this summer. This regional-based training is geared to individuals who are responsible for tracking and maintaining equitably shared funds and making expenditures from the agency's equitable sharing account. This training will review the permissible uses of shared funds, how to complete the Equitable Sharing Agreement and Certification form, and how to account for and maintain your shared funds. The training details are as follows:

August 23, 2011

10:00 am – 1:00 pm

United States Attorney's Office

600 U.S. Courthouse

300 South Fourth Street

Minneapolis, MN 55415

Please email kimlin.gonzalez@usdoj.gov to register

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