

DEPARTMENT OF JUSTICE  
Criminal Division, Asset Forfeiture and Money Laundering Section

Supporting Statement – Information Collection Request  
Annual Certification Report and Equitable Sharing Agreement  
OMB 1123-NEW

A. Justification

1. The Attorney General is required by statute to “assure that any property transferred to a State or local law enforcement agency . . . will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.” 21 U.S.C. § 881(e)(3). The Asset Forfeiture and Money Laundering Section (“AFMLS”) ensures such cooperation by requiring that all such “equitably shared” funds be used only for law enforcement purposes and not be distributed to other governmental agencies by the recipient law enforcement agencies. By requiring that law enforcement agencies that participate in the Equitable Sharing Program (“Program”) file an Annual Certification Report and Equitable Sharing Agreement, AFMLS can readily ensure compliance with its statutory obligations.
2. AFMLS uses the records to track compliance with the requirements of the Program. Periodically, the DOJ Office of Inspector General will request copies of submissions to assist in the completion of its duties as well.
3. Presently, Program participants fill out two separate forms, an Annual Certification Report, and a triennial Equitable Sharing Agreement. These forms are available in a PDF fillable file, and may be completed on a computer or by hand. The completed forms are submitted by fax or mail to AFMLS and the contents are entered into a database by hand. The new form, for which approval is sought, combines both old forms into one Annual Certification Report and Equitable Sharing Agreement. The new form will also be available as a PDF fillable file, however, upon completion, users will be able to submit the contents by clicking a button on the form which will then e-mail the results to AFMLS. The e-mail submission will be automatically added to the database. To complete the process, the Program participant will have to fax or mail a one page certification of the submission to AFMLS. The faxed certification was adopted as a compromise because the Public Key Infrastructure does not yet extend to all State and local law enforcement agencies to allow for electronic signature of forms.

4. This forms seeks information regarding the disposition of Program funds by the participating agency. Accordingly, it seeks information that is exclusively in the hands of the participating agency and no similar information is available.
5. This collection of information will have an insignificant impact on a large number of small municipal law enforcement agencies. The burden on any participating agency is in direct proportion to the amount of equitable sharing funds it receives or expends in a given year. Those agencies which neither receive nor expend Program funds during any year will have a *de minimis* burden. Equitable sharing funds may be expended on software and hardware used to comply with the filing requirements of the Program.
6. Less frequent collection of this information would make identifying misuse of Program funds more difficult and would make correction of such errors more expensive.
7. There are no special circumstances associated with this collection.
8. A 60 day notice was published in the Federal Register Volume 72, Number 190, July 24, 2007, page 40,323. A 30 day notice was published in Volume 72, Number 190, on October 2, 2007, page 56095. No comments were received.

AFMLS is engaged in on-going consultation with the Department of the Treasury, Treasury Executive Office for Asset Forfeiture, with whom it shares this form, about the collection of this information. In addition, AFMLS routinely attends law enforcement conferences and regularly gives presentations about equitable sharing. These conferences present an opportunity to discuss, both formally and informally, the collection of this information.

9. No payment or gift is associated with this information collection.
10. No assurance of confidentiality is provided to the respondents. These records are available to the public in response to a FOIA request.
11. No records of a sensitive nature are maintained.
12. There are 8,729 respondents for this information collection. The respondent will respond 1 time annually. The total number of responses is 8,729. It is estimated that it take 30 minutes per year to enter the information. The total burden associated with this collection is 4,365 hours.

13. There is no new cost or annual cost associated with this collection. It is anticipated that each respondent already has the necessary equipment and personnel to respond.
14. There is no cost to the Federal Government.
15. Not applicable.
16. The result of this information collection will not be published.
17. AFMLS does not request approval to not display the expiration date of OMB approval for this collection.
18. There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection of information employs no statistical methods.