

SUPPORTING STATEMENT FOR EQUITABLE SHARING AGREEMENT AND CERTIFICATION

A. JUSTIFICATION

1. Federal law authorizes the Attorney General to share federally forfeited property with participating state and local law enforcement agencies. The exercise of this authority is discretionary. 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 Money Laundering and Asset Recovery Section (MLARS) 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 participating in the Equitable Sharing Program (Program) file an Equitable Sharing Agreement and Certification (ESAC) form, MLARS ensures reporting and guideline compliance as set forth in the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement* (March 2024). The ESAC also contains information regarding Department of the Treasury (Treasury) equitable sharing funds. Data collected on the ESAC is shared with Treasury to ensure Treasury is compliant with its statutory obligations.
2. MLARS 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. The current data collection is completed by the participating agencies via a secure, online portal. This portal permits agencies to login and submit the ESAC form and attest to the required certifications directly in the system.
4. The ESAC requires information regarding the receipt and expenditure of Program funds from the participating agency. Accordingly, it seeks information that is exclusively in the hands of the participating agency and no similar information is available.
5. There is no significant impact on small business or other private entities.
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.
8. 60 day notice was published in the Federal Register on page XXX on XXX, and the 30 day notice was published on page XXX on XXX. No comments were received.

MLARS 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 government funds will be used as payment or for gifts to respondents.
10. No assurance of confidentiality is provided to the respondents. These records are available to the public at <https://www.justice.gov/afp/freedom-information-act-foia>. The website provides ESAC data as well as descriptive information which explains what data fields are provided and what data fields are redacted to protect PII.
11. No records of a sensitive nature are maintained.
12. There are approximately 6,000 respondents for this information collection. The respondent will respond one time annually. The total number of responses is 6,000. It is estimated that it takes 30 minutes per year to enter the information. The total burden associated with this collection is 3,000 hours.

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Response	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
Name of collection instrument: ESAC	6,000	1	6,000	30 min	3,000 hrs.	N/A	N/A
Unduplicated Totals	6,000	1	6,000	30 min	3,000 hrs.	N/A	N/A

Hourly rate source citation or you may enter a footnote:

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.

[COLLECTION TITLE]
OMB Control Number XXXX-XXXX
OMB Expiration Date: XX/XX/XXXX

14. There is no cost to the federal government
15. Not applicable.
16. The result of this information collection will not be published.
17. We are requesting no exemption.
18. This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does not contain statistical data.