

Congressional Submission

U.S. Department of Justice

Assets Forfeiture Fund

FY 2011 PERFORMANCE BUDGET

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I. Overview for the Assets Forfeiture Fund

A. Introduction

The President's Budget includes \$20,990,000 in definite authority for expenses of the Assets Forfeiture Fund for 2011 to support the Department's Strategic Goal 2: to prevent crime, enforce Federal laws and represent the rights and interests of the American people. AFF spending also supports DOJ efforts to improve financial performance and expand electronic government (e-gov) (e.g., in security and cost savings).





The Assets Forfeiture Fund (AFF or Fund) was created by the Comprehensive Crime Control Act of 1984 (P.L. 98-473, dated October 12, 1984) to be a repository of the proceeds of forfeitures under any law enforced and administered by the Department of Justice (see 28 U.S.C. 524(c)).

The primary purpose of the Fund is to provide a stable source of resources to cover the costs of an effective Asset Forfeiture Program (AFP), including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertising, forfeiting, and disposing of property seized for forfeiture. Prior to the creation of the Fund in 1985, the costs of these activities had to be diverted from agency operational funds. The more effective an agency was in seizing property, the greater the drain on its appropriated funds. The creation of the Fund is responsible, in large measure, for the growth in the Department's forfeiture program over the past decade. A secondary benefit of an aggressive and well-managed forfeiture program is the production of surplus revenues to assist in financing important law enforcement programs. If the forfeiture program ceases to function effectively in its primary role, these surplus revenues will not be generated.

The AFF's mission has as its primary strategic goal to enforce Federal laws and prevent and reduce crime by disrupting, damaging and dismantling criminal organizations through the use of civil and criminal forfeiture. The program attempts to remove those assets that are essential to the operation of those criminal organizations and punish the criminals involved by denying them the use of the proceeds of their crimes.

Table 1 below displays the functional activities of the participating agencies. For the full names of the participating agencies, see footnote 1. These agencies investigate or prosecute criminal activity under statutes, such as the Comprehensive Drug Abuse Prevention and Control Act of 1970, the Racketeer Influenced and Corrupt Organizations statute, the Controlled Substances Act, and the Money Laundering Control Act, or provide administrative support services to the program.

Table 1. Asset Forfeiture Program Participants by Function¹

Function	AFMLS	AFMS	ATF	DCIS	DEA	DS	EOUSA	FBI	FDA	USDA	USMS	USPS
 Investigation			X	X	X	X		X	X	X		X
 Litigation	X						X					
 Custody of Assets			X		X			X			X	
 Management	X	X										

As an outcome of the Homeland Security Act of 2002, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) joined the Fund on January 25, 2003. In addition, the Act transferred the forfeiture functions of the Immigration and Naturalization Service to the Department of Homeland Security (DHS) on March 31, 2003. On October 1, 2004, the Bureau of Diplomatic Security, Department of State (DS), joined the AFF. The Fund subsequently includes seizures and forfeitures resulting from investigations of passport and visa fraud. In 2007, the Defense Criminal Investigative Service (DCIS) became a participant. DCIS is the criminal investigative arm of the Inspector General of the Department of Defense and devotes investigative resources to terrorism, product substitution, computer crimes, illegal technology transfers, and public corruption.

It is increasingly important to recognize that the benefits to be achieved through inter-departmental cooperation and standardization of policies and procedures are enormous, not only from a program management perspective, but also from the perspective of preserving the due process rights of citizens. The significant effect of a less than aggressive forfeiture program is that criminal organizations have hundreds of millions of dollars more in their coffers to support their illicit operations each year.

¹ The participants include the Asset Forfeiture and Money Laundering Section, Criminal Division (AFMLS); Asset Forfeiture Management Staff, Justice Management Division (AFMS); Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); Defense Criminal Investigative Service (DCIS); Drug Enforcement Administration (DEA); Bureau of Diplomatic Security, Department of State (DS); Executive Office for United States Attorneys (EOUSA); Federal Bureau of Investigation (FBI); Food and Drug Administration (FDA); United States Department of Agriculture (USDA); United States Marshals Service (USMS); and United States Postal Service (USPS).

In summary, the AFP not only represents an effective law enforcement tool against criminal organizations but also provides financial support to other federal law enforcement efforts. Without this resource, agency funds would be seriously taxed to maintain and preserve seized assets, and liquidate forfeited assets. Law enforcement projects supported by the Fund could not be undertaken or would have to await the possibility of funding through other avenues. Continuing to support aggressive training, case evaluations, funds management, and contract support is the key to extracting the greatest benefit to our society from the application of the asset forfeiture sanction.

B. Trends, Issues, and Outcomes

Although the Fund's mission and objectives will not change in FY 2011, the challenges it faces will. The Fund's budget is integrated with the Department's Strategic Goals and Objectives.

Over the past four years, there has been a significant growth in the value of deposits into the AFF fueled by several large fraud and economic crime forfeiture cases. Given the focus on forfeitures in corporate fraud and other financial crime cases and on increasing the amount of money returned to crime victims, we expect deposits to continue to increase that will be used to benefit the victims of the underlying offenses.

Following is a brief summary of the Department's Strategic Goals and Objectives, in which the Fund plays a role.

DOJ Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People:

- Reduce the threat, incidence, and prevalence of violent crime (2.2)
- Reduce the threat, trafficking, use, and related violence of illegal drugs (2.4)
- Combat public and corporate corruption, fraud, economic crime, and cyber crime (2.5)

C. Full Program Costs

The Fund is a fee-based program. Receipts are available to pay program operation expenses, e.g., mandatory expenses of the forfeiture program, such as the equity of innocent third parties and lien holders; program investigative expenses, such as the efforts of state and local law enforcement agencies that helped produce the forfeitures; and other authorized expenses of the Fund.

For FY 2011, the Department is estimating \$1.290 billion for mandatory and investigative expenses. Included in this amount, providing net receipts support this expense level is \$142 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 Fund. The Department's authority to incur program operations expenses, including recognition of the equity interests of others and the efforts of law enforcement agencies, is limited only by the level of receipts deposited into the Fund. To the extent that receipts exceed the amounts necessary for mandatory program expenses, the Fund may be used for discretionary investigative expenses.

Full program costs are identified in Section III by decision unit. Mandatory expenses increase or decrease relative to seizure and forfeiture activity, and the program is executed by its member agencies.

D. Performance Challenges

The challenges that impact achievement of Fund goals are complex and dynamic. New legislation and case law, technological developments, changing demographics, political decisions, and the internationalization of criminal organizations are only a few factors that impact the assets forfeiture program and pose challenges that demand attention. The following situations are challenges that the Fund is facing.

External Challenges

- International money laundering and forfeiture investigations continue to target millions of dollars in illegal proceeds that have been secreted overseas. Indeed, every major forfeiture case has had international aspects to it as criminals increasingly seek to hide their criminal proceeds by placing them off-shore. Often times, prosecutors are able to negotiate agreements in which criminals or account holders are willing to repatriate foreign based criminal wealth. Additionally, the enforcement of US forfeiture judgments by foreign courts and the reverse sharing of assets is potentially a significant source of the Fund receipts as demonstrated by the deposit of approximately \$4.8 million dollars from Luxembourg in 2006 and approximately \$5.5 million dollars received from Singapore in 2008, both relating to the John Richard Knock case. The United States Attorney's Office for the Northern District of Florida successfully prosecuted Knock on drug trafficking and money laundering charges linked to a marijuana trafficking criminal organization. Knock was sentenced to two consecutive life terms in prison and a forfeiture judgment was entered against him in the amount of \$438 million dollars. A request was submitted to the governments of Luxembourg and Singapore requesting enforcement of the United States Final Order of Forfeiture and the subsequent sharing with the United States of fifty percent of the funds located in bank accounts in those two countries. As more countries enact legislation authorizing forfeiture cooperation and asset sharing, we can more examples of these types of successes, which increase deposits to the Fund.

The United States currently has a Mutual Legal Assistance Treaty (MLAT), which facilitates forfeiture cooperation, with 62 countries. In addition, more than 172 countries are parties to the Vienna Drug Convention, 153 countries are parties to the United Nations Convention against Transnational Organized Crime, and 143 countries are parties to the U.N. Convention Against Corruption. The US is a party to all of these conventions, which contain forfeiture cooperation provisions and encourage jurisdictions to have mechanisms for asset sharing and/or asset repatriation. The Department recognizes asset sharing with other jurisdictions that facilitate successful forfeiture cases will foster greater cooperation with these countries in the future. Since 1989, the United States has shared more than \$230 million with 36 jurisdictions and countries, and several more sharing cases are in the pipeline.”

- The financial mid- and long-term projections for deposits and expenses are difficult to quantify. Revenue estimates in 2010 and 2011 are estimated to be comparable to the 2009

level for recurring deposits, indicating a strong potential in the stream of revenue flowing into the AFF. Revenue from non-recurring deposits are estimated to be lower from prior year levels, primarily because of uncertainties associated with the non-recurring nature of extraordinary deposits from fraud and financial crime cases with unknown quantities and timing. The fiscal resources of the AFF must first cover the business or operational expenses of the asset forfeiture program. The Fund is not allowed to operate at a deficit.

Internal Challenges

The Fund faces many internal challenges in FY 2011, primarily in enhancing its financial and property management capabilities.

- **Data Quality:** The 2009 AFF/Seized Asset Deposit Fund (SADF) financial statements received an unqualified opinion; however, the independent auditors noted a reportable condition in the internal controls over status of valuation of seized and forfeited property needed to be reinforced. The Assets Forfeiture Management Staff (AFMS) is working with participants to establish and enforce corrective actions in a timely manner. AFMS will enforce procedures among participating agencies to ensure that data in the property and financial management systems are updated in a timely manner as changes in status and valuations occur. Additionally, AFMS will work with Asset Forfeiture Program participants to arrive at a standardized process (including acceptable forms of documentation) for authorizing the deletion of Consolidated Assets Tracking System (CATS) property records and maintaining proper documentation as evidence of the authorization.
- **Technological Developments:** The AFF funded a CATS project that enables AFF participants to manage and track asset forfeiture case files. The asset forfeiture case file tracking system is an intra-net, web-based application that is managed by the AFMS and made available to the community. While this enhancement will increase efficiency and improve the successful execution of forfeiture activities, the need for enhancements, based on customer requirements and technological changes will remain a constant challenge.

The AFMS is implementing the Unified Financial Management System (UFMS). UFMS is a financial system that incorporates standard capabilities, business processes, business rules, reference data, interfaces, and reports that will be used throughout the department. UFMS will benefit the Department of Justice by addressing material weaknesses in the Department's financial system and accounting operations and enhance system security. In 2013, when fully implemented, it will be a major step in supporting the departments' mission, objective and strategic goals.

II. Appropriations Language and Analysis of Appropriations Language

Appropriations Language

For expenses authorized by 28 U.S.C. 524(c) (1) (B), (F), and (G), \$20,990,000 to be derived from the Department of Justice Assets Forfeiture Fund.

(including cancellation)

Of the unobligated balances available under this heading, \$495,000,000 are hereby permanently cancelled.

III. Decision Unit Justification
Assets Forfeiture Fund

Assets Forfeiture Fund TOTAL	Perm. Pos	FTE	Amount
2009 Enacted with Rescissions			1,363,157
2009 Supplementals			90,033
2009 Enacted w/ Rescissions and Supplementals			1,453,190
2010 Enacted			1,172,800
Adjustments to Base and Technical Adjustments			0
2011 Current Services			1,167,200
2011 Program Increases			0
2011 Request			1,167,200
Total Change 2010-2011			-5,600

Mandatory, Indefinite Authority Total	Perm. Pos	FTE	Amount
2009 Enacted with Rescissions			1,342,167
2009 Supplementals			90,033
2009 Enacted w/ Rescissions and Supplementals			1,432,200
2010 Enacted			1,151,810
Adjustments to Base and Technical Adjustments			0
2011 Current Services			1,146,210
2011 Program Increases			0
2011 Request			1,146,210
Total Change 2010-2011			-5,600

Appropriated, Definite Authority Total	Perm. Pos	FTE	Amount
2009 Enacted with Rescissions			20,990
2009 Supplementals			0
2009 Enacted w/ Rescissions and Supplementals			20,990
2010 Enacted			20,990
Adjustments to Base and Technical Adjustments			0
2011 Current Services			20,990
2011 Program Increases			0
2011 Request			20,990
Total Change 2010-2011			0

Assets Forfeiture Fund/CATS—Information Technology Breakout from Mandatory Total	Perm. Pos.	FTE	Amount
2009 Enacted with Rescissions			25,000
2009 Enacted w/ Rescissions and Supplementals			25,000
2010 Enacted			27,700
2011 Current Services			30,500
2011 Program Increases			0
2011 Request			30,500
Total Change 2010-2011			2,800

Assets Forfeiture Fund
Summary of Requirements by Financing
(Dollars in Thousands)

	2009 Actual <u>Amount</u>	2010 Appropriation Enacted with Rescission and <u>Supplementals</u>	2011 Current Services and Request	2010-2011 Total <u>Change</u>
<u>Financing</u>				
Unobligated balance of receipts, start-of-year				
Available for start-up expenses	257,267	402,386	292,433	-109,953
Other unobligated balances	45,197	207,047	181,800	-25,247
Major Sharing Reserves	<u>249,642</u>	<u>232,000</u>	<u>250,000</u>	<u>18,000</u>
Total: committed to other purposes	294,839	439,047	431,800	-7,247
Unappropriated balance of receipts, start-of-year	552,106	841,433	724,233	-117,200
Collections/deposits/receipts/recoveries:				
Regular receipts	924,262	950,000	970,000	20,000
Extraordinary Receipts	492,805	325,000	305,000	-20,000
Prior year rescissions restored	240,000	285,000	387,200	102,200
Recovery/Refunds of prior year obligations	81,123	0	0	0
Current year rescissions	-285,000	-387,200	0	387,200
Proposed rescission	<u>0</u>	<u>0</u>	<u>-495,000</u>	<u>-495,000</u>
Collections/deposits/receipts/recoveries:	1,453,190	1,172,800	1,167,200	-5,600
Total resources available	2,005,296	2,014,233	1,891,433	-122,800
Less: Unappropriated balance of receipts, end-of-year				
Start-up expenses for following year	-402,386	-292,433	-266,533	25,900
Other unobligated balances	-207,047	-181,800	-74,900	106,900
Major Sharing Reserves	<u>-232,000</u>	<u>-250,000</u>	<u>-260,000</u>	<u>-10,000</u>
Unappropriated balance of receipts, end-of-year	-841,433	-724,233	-601,433	122,800
Total obligations	1,163,863	1,290,000	1,290,000	0

Assets Forfeiture Fund
Obligations by Type of Expense
(Dollars in Thousands)

	2009 Actual <u>Amount</u>	2010 Appropriation Enacted with Rescission and <u>Supplementals</u>	2011 Current Services <u>and Request</u>	2010-2011 Total <u>Change</u>
<i>Mandatory expenses: (indefinite authority)</i>				
Case support expenses:				
Asset Management and Disposal	55,254	67,000	67,000	0
Third Party Payments	173,533	200,000	200,000	0
Case Related Expenses	44,790	68,500	68,500	0
Special Contract Services	91,352	113,400	113,400	0
Investigative Expenses Leading to Seizure	67,239	55,500	55,500	0
Contracts to Identify Assets	34,552	45,000	45,000	0
Awards for Information Leading to a Forfeiture	11,720	11,800	11,800	0
Program support expenses:				
Automated Data Processing	26,236	35,800	35,800	0
Training and Printing	17,426	25,000	25,000	0
Other Program Management	25,251	34,078	34,010	-68
Other authorized expenses:				
Storage, Protection & Destruction of Controlled Substances	9,989	9,900	9,900	0
Equitable Sharing Payments Joint Federal/State and Local Law Enforcement Operations	394,796	460,500	461,100	600
	<u>142,467</u>	<u>142,000</u>	<u>142,000</u>	<u>0</u>
Subtotal: Mandatory Expenses	1,094,605	1,268,478	1,269,010	532
<i>Investigative expenses: (definite authority)</i>				
Awards for Information	10,659	11,600	11,600	0
Purchase of Evidence	8,301	7,820	7,820	0
Equipping of Conveyances	<u>1,825</u>	<u>1,570</u>	<u>1,570</u>	<u>0</u>
Subtotal: Investigative Expenses	20,785	20,990	20,990	0
Total, Mandatory and Investigative Expenses	1,115,390	1,289,468	1,290,000	532
Super Surplus amounts obligated	<u>48,473</u>	<u>532</u>	<u>0</u>	<u>-532</u>
Total Gross Obligations	1,163,863	1,290,000	1,290,000	0

IV. E-Government Initiatives

The Justice Department is fully committed to E-Government initiatives. The E-Government initiatives serve citizens, business, and federal employees by delivering high quality services more efficiently at a lower price. The Department is in varying stages of implementing E-Government solutions and services including initiatives focused on integrating government wide transactions, processes, standards adoption, and consolidation of administrative systems that are necessary tools for agency administration, but are not core to DOJ’s mission. To ensure that DOJ obtains value from the various initiatives, the Department actively participates in the governance bodies that direct the initiatives and we communicate regularly with the other federal agencies that are serving as the “Managing Partners” to ensure that the initiatives meet the needs of the Department and its customers. The Department believes that working with other agencies to implement common or consolidated solutions will help DOJ to reduce the funding requirements for administrative and public-facing systems, thereby allowing DOJ to focus more of its scarce resources on higher priority, mission related needs. DOJ’s modest contributions to the Administration’s E-Government projects will facilitate achievement of this objective.

A. Funding and Costs

The Department of Justice participates in the following E-Government initiatives and Lines of Business:

Business Gateway	E-Travel	Integrated Acquisition Environment	Case Management LoB
Disaster Assistance Improvement Plan	Federal Asset Sales	IAE - Loans & Grants - Dunn & Bradstreet	Geospatial LoB
Disaster Assist. Improvement Plan - Capacity Surge	Geospatial One-Stop	Financial Mgmt. Consolidated LoB	Budget Formulation and Execution LoB
E-Authentication	GovBenefits.gov	Human Resources LoB	IT Infrastructure LoB
E-Rulemaking	Grants.gov	Grants Management LoB	

The Department of Justice E-Government expenses – e.g., DOJ’s share of e-Gov initiatives managed by other federal agencies – are paid for from the Department’s Working Capital Fund (WCF). These costs, along with other internal E-Government related expenses (oversight and administrative expenses such as salaries, rent, etc.) are reimbursed by the components to the WCF. The AFF reimbursement amount is based on the anticipated or realized benefits from an e-Government initiative. The AFF E-Government reimbursement to the WCF is \$3.2 million for FY 2010. The anticipated AFF E-Government reimbursement to WCF is \$3.2 million for FY 2011.

B. Benefits

The AFF established baseline cost estimates for each IT investment being (or planned to be) modified, replaced, or retired due to the Department’s use of an E-Government or Line of Business initiative. The AFF is measuring actual costs of these investments on an ongoing basis. As the

AFF completes migrations to common solutions provided by an E-Government or Line of Business initiative, the AFF expects to realize cost savings or avoidance through retirement or replacement of legacy systems and/or decreased operational costs. The table below represents only those E-Government initiatives and Lines of Businesses where the AFF expects to realize benefits in FY2010 and FY2011.

E-Gov Initiative	FY 2010 Benefits	FY 2011 Anticipated Benefits	Comments
Financial Mgmt. Consolidated LoB	TBA	TBA	The benefits are related to the United Financial Management System (UFMS), but the AFF does not have an estimated cost savings at this time.
Federal Asset Sales	\$1,500,000	\$1,500,000	The benefits are related to the forfeiture.gov website that enables U.S. Attorneys Offices (USAO) to publish civil/judicial and criminal forfeiture notices on the internet instead of newspapers.

1. Program Description

Current Services Program Description

A. Mandatory Expenses, Indefinite Authority

1. Management and Disposal of Seized Assets

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$67,000,000	\$67,000,000	+\$0

While seizures are increasing and there may be some accompanying increases in the costs of asset management and disposal, efficiencies will be sought to contain costs. The primary purpose of the Fund is to ensure an adequate and appropriate source of funding for the management and disposal of property seized for forfeiture, as well as forfeited assets, activities which would otherwise be paid from agencies' operating budgets. The Fund puts criminals' money to work for the taxpayer. Other costs may also increase because of higher rates for services and the movement to more comprehensive management and maintenance services. Also, funding is required for the assessment, containment, removal and destruction of hazardous materials seized for forfeiture, and hazardous waste contaminated property seized for forfeiture. The USMS and DEA will continue to utilize the Fund for disposal of toxic and hazardous substances when necessary for forfeiture or the disposition of forfeited property. Under this category and Other Program Management, approximately \$10.5 million are provided to the USMS for the cost of administrative personnel associated with the forfeiture program and \$14.2 million for non-personnel administrative costs.

2. Other Asset Specific Expenses

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$268,500,000	\$268,500,000	+\$0

This category includes payments to satisfy third-party interests, including lien holders and other innocent parties, pursuant to 28 U.S.C. § 524(c)(1)(D); payments in connection with the remission and mitigation of forfeitures, pursuant to 28 U.S.C. § 524(c)(1)(E); and direct expenses incurred in perfecting the forfeiture. Also included in this expense category are expenses associated with the prosecution of a forfeiture case or execution of a forfeiture judgment, such as advertising, travel and subsistence, court and deposition reporting, courtroom exhibit services, and expert witness costs. In appropriate cases, the services of foreign counsel may be necessary. In this area, the costs of advertising are a major expense. Under current law, the Department must advertise each seizure three consecutive weeks in a newspaper of general circulation in the area of the seizure. In addition, the Department must also incur the cost of providing personal notice, by certified mail or other means, to all individuals or entities identified as having a potential legal interest in the property. If a claim is filed and the forfeiture process is converted from an administrative process to a judicial process, the entire notice and advertising process is repeated--doubling the cost. This expense is directly related to the volume of seizures and claims. It is essential that these expenses be met in order that the asset title conveys properly, while ensuring due process rights of citizens. The decline in expenses represents more the non-recurring nature of major fraud and financial crime cases than a trend. While major cases may be ongoing, they are very difficult to negotiate and often take years to come to fruition.

3. Special Contract Services

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$113,400,000	\$113,400,000	+\$0

The Department of Justice asset forfeiture program is extensively using contract personnel to manage the massive paper flow associated with forfeiture, including data entry, data analysis, word processing, file control, file review, quality control, case file preparation and other process support functions. These workers have become an integral part of the asset forfeiture program. Without this contract support, it would be impossible to maintain the automated databases, process the tens of thousands of equitable sharing requests, and maintain the tens of thousands of forfeiture case files.

4. Investigative Expenses Leading to Seizure

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$55,500,000	\$55,500,000	+\$0

Investigative expenses are those normally incurred in the identification, location, and seizure of property subject to forfeiture. These include payments to reimburse any Federal agency participating in the Fund for investigative costs leading to seizures.

5. Contracts to Identify Assets

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$45,000,000	\$45,000,000	+\$0

Investigative agencies use these funds for subscription services to nationwide public record data systems, and for acquisition of specialized assistance, such as

reconstruction of seized financial records. Demand for these services will increase as more agents graduate from the training programs and use the asset forfeiture sanction in their cases; however, it is anticipated that costs will be controlled through volume economies. Resources requested will be used to identify assets during the investigative stage of the case, where such research will enhance effective use of the asset forfeiture sanction. If the government can improve upon the identification of ill-gotten assets, the insidious nature of the criminal wrongdoing can be better demonstrated and reinforced before the jury. Such evidence results in stiffer penalties for hard-core criminals who may have dodged such penalties in the past by successfully concealing such assets, only to be released to finance further criminal activities with such assets. It is this kind of "criminal financing" that the forfeiture laws are intended to derail.

6. Awards for Information Leading to Forfeiture

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$11,800,000	\$11,800,000	+\$0

Section 114 of Public Law 104-208, dated September 30, 1996, amended the Justice Fund statute to treat payments of awards based on the amount of the forfeiture the same as other costs of a forfeiture. Historically, this authority represented less than 10 percent of award payments.

7. Automated Data Processing (ADP)

<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
\$35,800,000	\$35,800,000	+\$0

CATS (Consolidated Asset Tracking System) was initiated in 1990 and fully implemented in 1997. The year 1997 was a major milestone for the asset forfeiture program. CATS began providing nationwide processing capabilities that tied together all agencies involved in the Department of Justice asset forfeiture program. Agency legacy data bases were converted to CATS, operating procedures updated, and system users retrained. For the first time, on a full-year basis in 1997, the Department of Justice prepared complete reports on all asset forfeiture activity on a real time basis; investigative and judicial agencies had available the actual results of their efforts; and office, agency and Department managers were able to assess the efficiency of the forfeiture program and estimate future program results in a more informed manner.

CATS enables access for more than a thousand locations to a central database to perform full asset forfeiture lifecycle tasks more efficiently. It eliminates redundant data capture and provides consistency and standardization for agencies performing similar functions. The system provides current information to field personnel on the status of cases, integrates financial analysis capabilities into the inventory management process, provides the estimation of program income and expenses, and provides the capability for agency and Department managers to review and assess program activity.

Recurring costs include telecommunications support, recurring costs for system and equipment maintenance, costs for user support and help desk, data center charges in support of CATS, software maintenance, user training, and equipment.

8.	Training and Printing		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$25,000,000	\$25,000,000	+\$0

This category funds expenses for training personnel on aspects of the federal forfeiture program as well as other training necessary to maintain the competency of federal and contractor personnel dedicated to performing federal forfeiture functions. Printing costs reflect the continuing need to provide current legal advice and support. Expenses include updating and distributing manuals and pamphlets directly related to forfeiture issues, policies, and procedures.

9.	Other Program Management Expenses		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$34,078,000	\$34,010,000	- \$68

This category includes several types of expenses that are important to the overall management of the asset forfeiture program: management analysis, performance assessment, problem analysis, requirements analyses, policy development, and other special projects designed to improve program performance. This funding will provide travel and per diem funds for temporary duty assignments needed to correct program deficiencies. Other activities funded under this heading include the annual audit of financial statements of the Assets Forfeiture Fund and the Seized Asset Deposit Fund by an independent accounting firm and special assessments and reviews. This category also finances the AFMS, JMD and, since 2001, USMS headquarters administrative personnel and non-personnel costs associated with the forfeiture program.

10.	Storage, Protection, and Destruction of Controlled Substances		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$9,900,000	\$9,900,000	+\$0

These expenses are incurred to store, protect and/or destroy controlled substances. In 2011, provided sufficient receipts are available, \$9.9 million per year are proposed for this expense category.

11.	Equitable Sharing Payments		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$460,500,000	\$461,100,000	+\$600

The equitable sharing activity in 2011 is expected to be parallel from 2010. These funds are reserved until the receipt of the final forfeiture orders that result in distributions to the participants. 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. Most task force cases, for example, result in property forfeitures whose proceeds are shared among the participating agencies.

12.	Joint Federal/State and Local Law Enforcement Operations		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$142,000,000	\$142,000,000	+\$0

Public Law 102-393, referred to as the 1993 Treasury Appropriations Act, amended Title 28 U.S.C. 524(c), enacted new authority for the Fund to pay for "overtime, travel, fuel, training, equipment, and other similar costs of state or local law enforcement officers that are incurred in a joint law enforcement operation with a federal law enforcement agency participating in the Fund." Such cooperative efforts have significant potential to benefit federal, state, and local law enforcement efforts.

B. INVESTIGATIVE EXPENSES

Definite, Appropriated (discretionary) Authority

1.	Awards for Information and Purchase of Evidence		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$19,420,000	\$19,420,000	\$0

Awards payable from the Fund directly support law enforcement efforts by encouraging the cooperation and assistance of informants. The Fund may also be used to purchase evidence of violations of drug laws, Racketeering Influenced and Corrupt Organizations (RICO), and criminal money laundering laws. Payment of awards to sources of information creates tremendous motivation for individuals to assist the government in the investigation of criminal activity and the seizure of assets. Many cases would be impossible to bring to trial without the information from cooperating individuals. Even when the government has reason to believe criminal activity is occurring, an inside informant can facilitate the cost-effective deployment of investigative resources to obtain the greatest results. These expense categories are used in support of the Attorney General's highest priority programs, and represent resources that become increasingly precious as law enforcement budgets are curtailed to meet deficit reduction goals.

2.	Equipping of Conveyances		
	<u>FY 2010 Estimate</u>	<u>FY 2011 Estimate</u>	<u>Increase/Decrease</u>
	\$1,570,000	\$1,570,000	\$0

This category provides funding to equip vehicles, vessels or aircraft for law enforcement functions, but not to acquire them. Purchased equipment must be affixed to and used integrally with the conveyance. This funding is used for emergency and communications equipment, voice privacy and surveillance equipment, armoring, and engine upgrades and avionic equipment for aircraft. It is only through Fund resources that many of these surveillance vehicles are available to the field districts that need them. DEA uses surveillance vans as stationary and mobile platforms to conduct surveillance and gather intelligence, the cornerstone of cases against most major drug violators. In addition, evidence obtained through the use of such surveillance often provides the audio and video documentation necessary for conviction.

WORKLOAD/ RESOURCES		Final Target		Actual				Changes		Requested (Total)	
		FY 2009		FY 2009		2010 Enacted		Current Services Adjustments and FY 2010 Program		FY 2011 Request	
Workload											
Total Costs and FTE^B (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 ^C	FY 2009		FY 2009		2010 Requirements		Current Services Adjustments and FY 2010 Program		FY 2011 Request	
		FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000	FTE	\$000
Program Activity	Management of the AFF Provide financial support, control, and guidance to Fund participants in accordance with the Attorney General's Guidelines on Seized and Forfeited Property, July 1990.		[]		[]		[]		[]		[]
Performance Measure	Percent of time CATS is accessible.	99.8%		99.9%		99.8%				99.8%	
OUTCOME	Achieve effective funds control as corroborated by an unqualified opinion on the AFF financial statements.	100%		100%		100%				100%	

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

^B No FTE's are directly associated with the AFF. The FTE's (21 authorized) are established in the WCF and are funded by the AFF.

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

PERFORMANCE MEASURE TABLE

Decision Unit: Assets Forfeiture Fund

Performance Report and Performance Plan Targets		FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009		FY 2010	FY 2011
		Actual	Actual	Actual	Actual	Actual	Actual	Target	Actual	Target	Target
Performance Measure	Percent of time CATS is accessible.	N/A	99.1%	99.6%	99.6%	99.6%	99.9%	99.8%	99.9%	99.8%	99.8%
OUTCOME Measure	Achieve effective funds control as corroborated by an unqualified opinion on the AFF financial statements.	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

N/A = Data unavailable

Data Definitions

FTE. See Note B for AFMS FTE information. The AFF also reimburses the USMS for the salaries of administrative personnel responsible for the AFF's property custodial functions, but their associated FTE's reside in the USMS accounts.

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

Performance. One of the tasks of the Fund managers is to project Fund activities. As a result of a reevaluation of the Fund's performance measures, in 2001 the indicators were changed to more accurately reflect the activities of the Fund administrators rather than the Fund participants.

Performance Measure 1. CATS is available to participating AFF 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 CATS availability to its customer base. For fiscal years 2010 and 2011, the total number of core supported hours is approximately 3,000. The goal is to provide 99.8 percent availability to customers.

2011 Performance Plan. The 2011 plan entails supporting law enforcement authorities in the application of specific forfeiture statutes to prevent and reduce crime by the efficient and timely allocation of resources to cover the costs of an effective asset forfeiture program.

2. Performance, Resources, and Strategies

The Fund contributes to the Department's Strategic Goal 2: Prevent Crime, Enforce Federal Laws and Represent the Rights and Interests of the American People.

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 creative ways to use the proceeds of asset forfeiture, in conjunction with other funds available to our investigative and prosecutive offices, to support operations that focus on the disruption and destruction of criminal organizations and not merely on the conviction of individuals and forfeiture of their personal property.

a. Performance Plan and Report for Outcomes

As illustrated in the preceding Performance and Resources Table, the performance measure addresses performance only by the AFMS. While the performance measure is internal to the AFMS, Strategic Goal 2 is the Fund's supra-objective. Through stakeholder meetings, employee meetings and internal reviews, the Fund has identified many of the issues that must be addressed to enable it and the Nation's law enforcement community to meet the challenges of the war on

drugs. Continued progress towards implementation will enable the Fund to improve the Nation's effectiveness in the war on drugs.

The challenge of using the asset forfeiture sanction more fully requires the dedication of greater human resources to the development of the financial aspects of criminal operations. Continuing education in conducting financial investigations, tracing assets, presenting financial evidence in court, and managing and disposing of sophisticated properties is needed to develop and support experienced law enforcement professionals capable of dismantling criminal enterprises. The increasing use of sophisticated technology by criminals and the relative ease of operating across international boundaries also present special challenges for law enforcement that must be met if the power of the asset forfeiture sanction is to be realized. The Department will continue to seek opportunities to use asset forfeiture funds to advance the ability of our investigators, prosecutors, and other professionals to meet these challenges successfully.

b. Strategies to Accomplish Outcomes

The performance indicators are for the 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.

IV. EXHIBITS