ATTACHMENT A

U.S. Department of Justice
Washington, DC 20530

Directive 90-5

The Attorney General's Guidelines on Seized and Forfeited Property

July 1990
(amended November 2005)[1]

[1] This document was revised on November 17, 2005, in the areas of informant payments and the placement of forfeiture property into official use. The 2005 revisions are highlighted in this document.

D. Limitations on Use of the Fund

1. Items not payable from the Fund include:

   a. Personnel expenses (e.g. salaries, overtime and benefits) for employees of the United States;

   b. Expenses in connection with the seizure, detention and forfeiture of property where the seizure was effected by as U.S. Postal Inspection Service or a U.S. Customs Service officer and the proceeds of forfeiture, if any, are to be deposited into the Postal Fund or the Customs Forfeiture Fund, respectively;

   c. Purchase of real property or any interest therein except to acquire full title to or to satisfy liens or mortgages on forfeited property;

   d. Payments to equip property transferred to federal agencies (other than investigative bureaus or the U.S. Marshals Service) or state or local agencies;

   e. Expenses in connection with the seizure, detention and disposition of property where the seizure was effected for debt collection or other non-forfeiture purposes; and

   f. Reception and representation expenses (e.g., refreshments, meals, gifts or entertainment).

2. Claims of unsecured creditors generally may not be paid from the Fund, particularly if such payment may jeopardize the legitimate claims of existing lienholders.

   Pursuant to 28 C.F.R. § 9.6(b), claims of unsecured creditors for debts incurred within one hundred and twenty (120) days before seizure may be paid by the U.S. Marshals Service in order to preserve the continued operation of a seized business. Such payable expenses include the following:

   a. Payment of reasonable salaries and benefits of employees not believed to have been involved in the unlawful activities giving rise to forfeiture and not having an ownership interest in the business entity;

   b. Payments to third party contractors for goods or services essential