

**1998 LIST OF OPINIONS**  
January 1998 through December 1998

1. [REDACTED] (b) (5)
2. Counsel to the President: Memorandum regarding Proposed nomination of (b) (6) (b) (6) an [REDACTED] (b) (5). (issued 1/28/98) (Patricia Small)
3. Associate Attorney General: Memorandum regarding Statute of Limitations and settlement of ECOA discrimination Claims against the Department of Agriculture. (issued 1/29/98) (Karen Stevens)
4. Counsel to the President: Memorandum regarding Application of 5 USC § 5503(a) to Board of Director of the Civil Litigation Public Education Fund (Patricia Small) (issued 2/2/98)
5. [REDACTED] (b) (5)
6. [REDACTED] (b) (5)
7. [REDACTED] (b) (5)
8. GSA General Counsel: Memorandum regarding Applicability of 18 USC § 431 to Limited Partnership interests in Government Leases Under proposed Modified Transaction. (issued 3/13/98) (Paul Oetken)
9. [REDACTED] (b) (5)
10. Committee on Governmental Affairs: Testimony of Dan Koffsky concerning Vacancies Act. (issued 3/18/98)
11. Assistant Attorney General for Administration: Interpretation of phrase "Recommendation that funds be put to better use" in Inspector General Act. (issued 3/20/98) (Ursula Werner)
12. [REDACTED] (b) (5)
13. [REDACTED] (b) (5)

14. [REDACTED] (b) (5)
15. U.S. Attorney for Central District of California: Application of the Double Jeopardy Clause to Disgorgement Orders under the Federal Trade Commission Act. (issued 4/9/98)
16. [REDACTED] (b) (5)
17. [REDACTED] (b) (5)
18. [REDACTED] (b) (5)
19. [REDACTED] (b) (5)
20. Principal Associate Deputy Attorney General: Possible Bases of jurisdiction for the Department of Justice to Investigate Matters relating to the Assassination of Martin Luther King, Jr. (issued 4/20/98) (Eric Greenberg)
21. Civil Division: Coverage Issues under the Indian Self Determination Act. (issued 4/20/98)
22. Counsel to the President: Legality of Background Checks Before Hiring Noncareer SES Personnel. (issued 4/30/98)
23. [REDACTED] (b) (5)
24. Testimony to House of Representatives: Concerning Whistle Blower protection for classified disclosure. (issued 5/20/98)
25. [REDACTED] (b) (5)
26. F.B.I.: Effect of Posse Comitatus Act on proposal to Detail Department of Defense Civilian Employee to the National Infrastructure Protection Center. (issued 5/26/98) (Eric Greenberg)
27. [REDACTED] (b) (5)
28. Counsel to the President: Appointment of Vice Chair of Federal Reserve Board to Serve Concurrently as Chair of D.C. Financial Responsibility and Management Authority. (issued 6/1/98) (Eric Greenberg)

29. Deputy Director, FBI: Letter providing legal opinion concerning circumstances under which non-governmental entities performing criminal justice functions under contract with government agencies may be granted access to criminal history records information. (issued 6/12/98) (George Smith)
30. Associate AG: Waiver of Statutes of Limitations in Connection with Claims against the Department of Agriculture. (Issued 6/18/98) (Greenberg/Peterson)
31. [REDACTED] (b) (5)
32. [REDACTED] (b) (5)
33. [REDACTED] (b) (5)
34. Deputy General Counsel, Treasury: Appropriate Source for Payment of Judgments and Settlements in United States v. Winstar Corp., 518 U.S. 839 (1996), and Similar Cases (issued 7/22/98) (Krass/Moss)
35. Associate White House Counsel: Constitutional Concerns Raised by the Collections of Information Antipiracy Act, H.R.2652. (Issued 7/28/98) (Barron)
36. [REDACTED] (b) (5)
37. Environment Division: Administrative Settlement of Royalty Determinations. (issued 7/28/98) (George Smith/Peterson)
38. Counsel to the President: Whether a Public Member of the Board of Directors of the New Jersey Transit Corp. is eligible for appointment to the Amtrak Board of Directors. (Issued 7/30/98) (Smith/Nolan)
39. GSA General Counsel: 18 U.S.C. § 208 and Service on the District of Columbia Downtown Business Improvement District Corporation Board of Directors (issued 8/7/98) (Stevens)
40. INS General Counsel: Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act (issued 8/18/98) (Delahunty/Peterson/Moss)
41. [REDACTED] (b) (5)

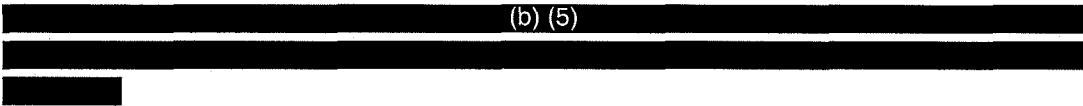
42. [REDACTED] (b) (5)
43. General Counsel, Office of Government Ethics: Application of 18 U.S.C. § 208 to Service on Boards of Standard-Setting Organizations (issued 8/24/98) (Nolan)
44. Deputy Attorney General: Authority of the Council for the District of Columbia to Amend the Schedule of Heights Under Section 602(a)(6) of the Home Rule Act (issued 8/28/98) (Oetken)
45. [REDACTED] (b) (5)
46. Deputy Legal Adviser: Whether 18 U.S.C. 208 bars employees of the State Department from serving in their official capacities on the boards of American sponsored schools overseas (issued 9/11/98) (Koffsky/Nolan)
47. [REDACTED] (b) (5)
48. Criminal Division: Proposed Revisions to Fed. R. C rim. P. 12.2 (issued 9/21/98) (Small/Peterson)
49. Office of Management and Budget: Authority of the Bureau of the Census to Adjust Population Data for Purposes other than Apportionment (issued 10/7/98) (Delahunty/Peterson)
50. [REDACTED] (b) (5)
51. [REDACTED] (b) (5)
52. [REDACTED] (b) (5)
53. General Counsel, Exim Bank: Section 2(b)(2) of the Export/Import Bank Act of 1945 (issued 11/6/98) (Krass/Delahunty/Treanor)
54. [REDACTED] (b) (5)
55. [REDACTED] (b) (5)
56. AAG, Civil Division: Blood Products Litigation Settlement (issued 12/3/98) (Halberstam/Peterson)

57. General Counsel, HHS: Proposed Settlement of Diamond v. Dept. of HHS (issued 12/4/98) (Stevens/Moss)

1999 LIST OF OPINIONS  
January 1999 through December 1999

1. [REDACTED] (b) (5)  
[REDACTED]
2. General Counsel for USPS: Memorandum re Collection of Fee for Stamped Cards (issued 1/7/99 (issued 5/7/99) (Barron/Nolan)
3. General Counsel for FBI: Memorandum re Application of 18 U.S.C. § 205 to Employees Serving on an Intergovernmental Personnel Act Assignment (issued on 1/11/99) (Greenberg, Nolan)
4. [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]
5. Acting General Counsel for GSA: Memorandum re Applicability of 18 U.S.C. 208 to National Gambling Impact Study Commission (issued on 1/26/99) (Delahunty/Nolan)
6. [REDACTED] (b) (5)  
[REDACTED]
7. Director, Departmental Ethics Office: Memorandum re Attorney's Fees (issued 2/11/99) (Barron/Nolan)
8. [REDACTED] (b) (5)  
[REDACTED]
9. Dept. of Veterans Affairs: Memorandum re Gulf War Veterans Health Statutes (issued 3/12/99) (Smith/Treanor) (approved for issuance)
10. Committee on Governmental Affairs: Testimony on Vacancies Act (3/18/99) (Dan Koffsky)
11. General Counsels: Memorandum re General Guidance on the Federal Vacancies Reform Act (issued 3/22/99) (Singdahlsen/Koffsky/Nolan) (approved for issuance)
12. [REDACTED] (b) (5) [REDACTED]  
[REDACTED]
13. Office of Federal Housing Enterprise Oversight: Memorandum re Applicability of Trade Secrets Act to Intragovernmental Exchange of Regulatory Information (issued 4/5/99) (Smith/Treanor) (approved for issuance)

14. Committee on the Judiciary: Testimony on A Proposed Flag Desecration Constitutional Amendment (issued 4/20/99) (Moss)
15. Department of Commerce: Memorandum re Whether Government Reproduction of Copyrighted Materials Invariably is a "Fair Use" under Section 107 of the Copyright Act of 1976 (issued 4/30/99) (Lederman/Moss) (approved for issuance)
16. [REDACTED] (b) (5)  
[REDACTED]
17. U.S. Marshals Service: Memorandum re USMS Obligation to Avoid Anticipated Violation of the Antideficiency Act Before Seeking to Invoke Various Statutory Exceptions (issued 5/11/99) (Lenhardt/Peterson)
18. Department of Commerce: Memorandum re The Effect of 8 USC 1373(a) on the Requirement Set Forth in 13 USC 9(a) that Census Officials Keep Covered Census Information Confidential (issued 5/18/99) (Barron/Moss)
19. US Architectural and Transportation Barriers Board: Memorandum re Accessibility Guidelines and Federal Lease Renewals (issued 5/26/99) (Smith/Nolan/Koffsky) (approved for issuance)
20. Executive Clerk: Memorandum re Term of a Member of the Mississippi River Commission (issued 5/27/99) (Koffsky/Nolan) (approved for issuance)
21. Associate Attorney General: Constitutional and Statutory Restrictions on the Authority of the United States to Enter Settlements Limiting the Future Exercise of Executive Branch Discretion (issued 6/15/99) (Moss) (approved for issuance)
22. [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]
23. [REDACTED] (b) (5)  
[REDACTED]  
[REDACTED]
24. Senate Committee on Governmental Affairs: Testimony of Randolph Moss concerning S.1214, the Federalism Accountability Act of 1999 (issued 7/14/99) (Moss/Kehne)
25. General Counsel for OMB: Reporting Obligation under the Federal Vacancies Reform Act for PAS Officers Serving Under Statutory Holdover Provisions (issued 7/30/99) (Singdahlsen/Nolan) (approved for issuance)
26. [REDACTED] (b) (5)  
[REDACTED]

27. Director, Office of Attorney Personnel Management (DOJ): Eligibility of a Dual United States Citizen for a Paid Position Within the Department of Justice (issued 8/26/99) (Nidiry/Koffsky/Treanor)
28. General Counsel, Treasury and Dept. of Defense: Internal Revenue Service Request for Documents in Defense Department Possession (issued 9/1/99) (Colborn/Treanor/Koffsky) (approved for issuance)
29. Deputy General Counsel, Treasury: Restrictions on Travel by VOA Correspondents (issued 9/10/99)
30. General Counsel, Federal Retirement Thrift Investment Board: MSPB Reconsideration Non-Precedential Decisions (issued 9/13/99) (Smith/Koffsky/Moss) (approved for issuance)
31. Deputy General Counsel, Treasury: Applicability of 18 U.S.C. 219 to Representative Members of Federal Advisory Committees (issued 9/15/99) (Klein/Koffsky/Nolan) (approved for issuance)
32. General Counsel, Dept. of Veterans Affairs: Applicability of EEOC's Proposed Final Rule to the Department of Veterans Affairs (issued 9/28/99) (Pillard)
33. Director, Information Security Oversight Office: ISCAP Jurisdiction Over Classification Decisions by the Director of Central Intelligence Regarding Intelligence Sources and Methods (issued 10/5/99) (Freitas)
34. Acting Assistant Attorney General/Civil Rights Div.: Proposed Change in EEOC Regulations Concerning Right-to-Sue Notices for Public Sector Employees (issued 10/7/99) (Simon)
35. Assistant Attorney General/ENRD: Tribal Restrictions of Sharing of Indigenous Knowledge on Uses of Biological Resources (issued on 10/12/99) (Bellia)
36.  (b) (5)
37. General Counsel of Dept. of Commerce: Participation by Processor-Owned Catcher Vessels in Inshore Cooperatives Under the American Fisheries Act of 1998 (issued 12/10/99) (R. Werner)



2000 LIST OF OPINIONS  
January 2000 through December 2000

1. Director, Departmental Ethics Office DOJ: Memorandum re Applicability of 18 U.S.C. § 205(a)(2) to Representation Before Non-Federal Agencies (Nidiry/Koffsky/Pillard) (issued 1/3/2/00) (approved for issuance)
2. Advisory Board for Cuba Broadcasting: Memorandum re Authority of the Advisory Board for Cuba Broadcasting to Act in the Absence of a Presidentially Designated Chairperson (Singdahlsen/Koffsky/Pillard) (issued 1/4/00) (approved for issuance)
3. Counsel for the President: Memorandum re Legal Effectiveness of a Presidential Directive, as Compared to an Executive Officer (Singdahlsen/Hart/Moss) (issued 1/29/00) (approved for issuance)
4. [REDACTED] (b) (5)
5. [REDACTED] (b) (5)
6. Deputy Attorney General: Memorandum re Starting Date for Calculating the 120-day Term of an Interim United States Attorney Appointed by the Attorney General Under 28 U.S.C. § 546 (Singdahlsen/Koffsky/Moss) (issued on 3/10/00) (approved for issuance)
7. General Counsel for INS: Memorandum re Enforcement of INA Employer Sanctions Provisions Against Federal Government Entities (Werner/Pillard/Moss) (issued on 3/15/00) (approved for issuance)
8. [REDACTED] (b) (5)
9. Deputy Attorney General: Date of Appointment for Purposes of Calculating the 120-Day Term of an Interim United States Attorney Appointed by the Attorney General under 28 U.S.C. § 546 (Singdahlsen/Koffsky/Moss) (issued on 3/16/00) (approved for issuance)
10. [REDACTED] (b) (5)
11. [REDACTED] (b) (5)
12. General Counsel for U.S. Marshals Service: Memorandum re Continuation of Federal

Prisoner Detention Efforts in the Face of a USMS Appropriation Deficiency  
(Lenhardt/Moss) (issued on 4/5/00)

13. General Counsel Dept. of Treasury: Memorandum re Applicability of the Federal Vacancies Reform Act to the United States Executive Director and Alternate Executive Director at the International Monetary Fund and the World Bank (Singdahlsen/Koffsky/Pillard) (issued on 4/11/00) (revised on 5/11/00)
14. General Counsel Dept. of Treasury: Memorandum re Applicability of the Federal Vacancies Reform Act to the United States Executive Director and Alternate Executive Director at the International Monetary Fund and the World Bank (Singdahlsen/Koffsky/Pillard) (issued on 5/11/00)
15. [REDACTED] (b) (5)
16. Deputy General Counsel, DOD: Memorandum re Authority for Military Police to Issue Traffic Citations to Civilians on Bolling Air Force Base (Nidiry) (issued on 6/5/00)
17. General Counsel Dept. of Defense: Memorandum re EPA Assessment Against Federal Agencies for Violation of the Underground Storage Tank Requirements of the Resource Conservation and Recovery Act (Colborn/Treanor/Moss) (issued on 6/14/00) (approved for issuance)
18. General Counsel Chemical Safety and Hazard Board: Memorandum re Division of Powers and Responsibilities Between the Chairperson of the Chemical Safety and Hazard Investigation Board (Bierschbach/Koffsky/Moss) (issued on 6/26/00) (approved for issuance)
19. General Counsel for Dept. of Energy: Memorandum re Applicability of the Post-Employment Restrictions of 18 U.S.C. § 207(c) to Assignees Under the Intergovernmental Personnel Act (Koffsky) (issued on 6/26/00) (approved for issuance)
20. [REDACTED] (b) (5)
21. [REDACTED] (b) (5)
22. [REDACTED] (b) (5)
23. Director, Office of Government Ethics: Memorandum re Application of 18 U.S.C. Section 209 to Employee-Inventors Who Receive Outside Royalty Payments

(Koffsky/Moss) (issued on 8/14/00)

24. Attorney General: Memorandum re Whether a Former President May Be Indicted and Tried for the Same Offenses for Which He Was Impeached by the House and Acquitted by the Senate (issued on 8/18/00)
25. AAG, Criminal Division: Memorandum re Constitutionality of 18 U.S.C.A Section 1120 (Camiker/Smith) (issued on 8/31/00)
26. [REDACTED] (b) (5)
27. Acting Director, Office of Government Ethics: Memorandum re Application of 18 U.S.C. Section 209 to Employee-Inventors Who Receive Outside Royalty Payments ) (Freitas/Koffsky) (issued on 9/7/00)
28. Testimony: Testimony of William Treanor re the Application of the Privacy Act to the White House (Colborn/Treanor) (issued on 9/8/00)
29. Interior/NOAA/Council on ENRD Quality: Memorandum re Coral Reef Resources in the Northwest Hawaiian Islands (Wexler/Treanor/Koffsky) (issued on 9/15/00)
30. NASA/OMB: Memorandum re Applicability of Government Corporation Control Act to Gain Sharing Benefit Agreement (Freitas/Koffsky/Guerra) (issued on 9/18/00) (approved for issuance)
31. Hastert, House: Memorandum re the Enforceability of 18 U.S.C. 1302-Information Concerning Lawful Gambling Operations-AG Opinion (Smith/Treanor/Moss) (issued on 9/25/00) (approved for issuance)
32. Testimony: Testimony of William Treanor re H.R.4751, Entry of the Commonwealth of Puerto Rico into Permanent Union with the U.S. (Treanor/Moss)
33. [REDACTED] (b) (5)
34. Deputy Counsel to the President Memorandum re Application of Coreligionsts Exemption (Lederman/Moss) (issued on 10/12/00) (approved for issuance)
35. Attorney General: Memorandum re A Sitting President's Amenability to Indictment and criminal Prosecution (issued 10/16/00)

36. Office of Intelligence Policy and Review: Memorandum re Title III Electronic Surveillance Material and the Intelligence Community (Bellia/Singdahlsen/Moss) (issued on 10/17/00)
37. [REDACTED] (b) (5)
38. JMD/AFMLS/Criminal Div.: Memorandum re Payment of Awards in Excess of \$250,000 from the Department of Justice Assets Forfeiture Fund (Freitas/Koffsky/Jackson) (issued on 10/18/00)
39. General Counsel, Immigration & Naturalization Service: Memorandum re Section 235A of the Immigration National Act (Morrison/Koffsky/Treanor) (issued on 10/23/00) (approved for issuance)
40. Assistant General Counsel, Dept. of Treasury: Memorandum re Application of 18 U.S.C. Section 207(d) to Certain Employees of the Treasury Department (Koffsky) (issued on 11/3/00)
41. Director, Office of Government Ethics: Memorandum re Definition of Candidate Under 18 U.S.C. Section 207(j) (Simon/Koffsky) (issued on 11/06/00) (approved for issuance)
42. General Counsel, Department of Defense Memorandum re Withholding State Income Tax from Military Compensation of Native American Service Members (Morrison/Jackson/Guerra) (issued on 11/22/00).
43. General Counsel, General Services Administration: Memorandum re Use of Agency Resources to Support Presidential Transition (Freitas) (issued on 11/22/00)
44. AAG, Environment and Natural Resources Div. Memorandum re Payment of Attorney's Fees in Litigation (Kehne) (issued on 11/27/00)
45. Counsel to the President: Memorandum re Authority of the Administrator of the General Services Administration to Provide Transition Assistance (Singdahlsen/Koffsky) (issued on 11/28/00)
46. Attorney General: Memorandum re Authorization for Continuing Hostilities in Kosovo (Wexler) (issued on 12/19/00)
47. Pardon Attorney: Memorandum re Whether the President May Have Access to Grand Jury Material in the Course of Exercising Discretion to Grant Pardons (R. Werner) (issued on 12/22/00)

2001 LIST OF OPINIONS  
January 2001 through December 2001

1. [REDACTED] (b) (5)
2. [REDACTED] (b) (5)
3. [REDACTED] (b) (5)
4. General Counsel/Dept. Of Agriculture: Memorandum re Preferences Under Subsection 7(b) of the Indian Self-Determination and Education Assistance Act (Cedarbaum/Jackson/Guerra) (issued on 01/17/01)
5. [REDACTED] (b) (5)
6. General Counsel/GSA: Memorandum re Legality of Reimbursing the President-elect and/or the Vice-President-elect for Transition Related Expenses Incurred After the General Election But Before the Administrator of General Services Had Ascertained them as the Apparent Successful Candidates for the Office of the President and Vice President (R. Werner/J. Guerra) (issued on 01/17/01)
7. [REDACTED] (b) (5)
8. [REDACTED] (b) (5)
9. Director/OGE: Memorandum re Authority of the Office of Government Ethics to Issue Touhy Regulations (Guerra/Koffsky/Lee) (issued on 01/18/01)
10. [REDACTED] (b) (5)
11. [REDACTED] (b) (5)

12. [REDACTED] (b) (5)
13. Assistant Attorney General/Admin. Memorandum re Applicability of the Antideficiency Act to a Violation of a Condition or Internal Cap Within an Appropriation (Treanor/Guerra/Krass/Simon) (issued on 01/19/01)
14. [REDACTED] (b) (5)
15. General Counsel/DOC: Memorandum re NOAA Corps Eligibility for Professional Liability Costs Reimbursement (Guerra/Jackson/Smith) (issued on 01/19/01)
16. General Counsel/TREAS: Memorandum re Investment of Federal Trust Funds for Cheyenne River and Lower Brule Sioux (Guerra/Koffsky/Freitas) (issued on 01/19/01)
17. Acting General Counsel/GSA: Memorandum re Legality of Obligating Government Funds for Advertising by the General Services Administration (Koffsky/Nidiry) (issued on 01/19/01)
18. [REDACTED] (b) (5)
19. [REDACTED] (b) (5)
20. [REDACTED] (b) (5)
21. [REDACTED] (b) (5)
22. Acting General Counsel/DOC: Memorandum re Whether a Delegation of Authority, Which has Been Promulgated by Following the Administrative Procedure Act's Notice and Comment Provisions, May be Revoked Only by a Rule Issued through the Notice and Comment Procedures (U. Werner) (issued on 02/14/01)
23. Acting General Counsel/DOC: Memorandum re Discretion of the Secretary of Commerce to Use Statistical Sampling in Carrying Out the Provisions of Title 13 (Werner)

(issued on 02/20/01)

24. [REDACTED] (b) (5)
25. [REDACTED] (b) (5)
26. Associate Counsel to the President: Memorandum re Authority of the President to Remove the Staff Director of the United States Commission on Civil Rights and to Appoint an Acting Staff Director (Morrison) (issued on 03/30/01)
27. Counselor to the Attorney General: Memorandum re Regulation of an Inmate's Access to the Media (R. Werner) (issued on 04/13/01)
28. Acting General Counsel, GSA: Memorandum re Sale of Governors Island (Wexler) (issued on 04/24/01)
29. [REDACTED] (b) (5)
30. Acting General Counsel: Memorandum re Application of the Drivers' Privacy Protection Act to Military Recruiting Contractors (Nidiry) (issued on 05/24/01)
31. General Counsel: Memorandum re Emoluments Clause and World Bank (Koffsky) (issued on 05/24/01)
32. Associate Counsel to the President: Memorandum re Applicability of Post-Employment Restrictions in 18 U.S.C. § 207 to a Former Government Official Representing a Former President or Vice President in Connection with the Presidential Records Act (Morrison) (issued on 06/20/01)
33. Associate White House Counsel: Memorandum re Indirect Aid to Faith-Based Organizations Under Section 1994A Charitable Choice of H.R. 7 The Community Solutions Act (Bradshaw) (issued on 06/22/01)

34. Associate White House Counsel: Memorandum re Section 1994A Charitable Choice of H.R.7, The Community Solutions Act (Bradshaw) (issued on 06/25/01)
35. Attorney General: Memorandum re Whether Physician-Assisted Suicide Serves a "Legitimate Medical Purpose" Under the Drug Enforcement Administration's Regulations Implementing the Controlled Substances Act (Delahunty) (issued on 06/27/01)
36. (b) (5)
37. (b) (5)
38. Senior Associate Counsel to the President: Memorandum re Congressman Rohrabacher's Amendment to H.R.2500, The Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, FY 2002 (Delahunty) (issued on 07/25/01)
39. Counsel to the President: Memorandum re President's Authority to Remove the Chair of the CPSC (Yoo) (issued on 07/31/01)
40. Associate White House Counsel: Memorandum re Appointment of Phil Perry as the Acting Associate Attorney General (Bradshaw) (issued on 08/07/01)
41. (b) (5)
42. (b) (5)
43. (b) (5)
44. (b) (5)
45. Counsel to the President: Memorandum re President's Authority to Make a Recess Appointment to the National Labor Relations Board (Koffsky) (issued on 08/31/01)
46. General Counsel/TREAS and Chief Counsel/Thrift: Memorandum re Post-Employment Restriction of 12 U.S.C. § 1812(e) (Koffsky) (issued on 09/04/01)



47. [REDACTED] (b) (5)
48. [REDACTED] (b) (5)
49. [REDACTED] (b) (5)
50. [REDACTED] (b) (5)
51. Deputy Counsel to the President: Memorandum re The President's Constitutional Authority to Conduct Military Operations Against Terrorists and Nations Supporting Them (Yoo) (issued on 09/25/01)
52. Associate Deputy Attorney: Memorandum re Constitutionality of Amending Foreign Intelligence Act to Change the Purpose Standard for Searches (Yoo) (issued on 09/25/01)
53. Deputy Assistant Attorney General: Memorandum re Checking Names of Prohibited Persons Against Records in the NICS Audit Log Concerning Allowed Transfers (Cedarbaum) (issued on 10/01/01)
54. Chief Counsel/FDA: Memorandum re Disclosure of Conflicts of Interest of Members of FDA Advisory Panels (Whelan) (issued on 10/05/01)
55. [REDACTED] (b) (5)
56. [REDACTED] (b) (5)
57. [REDACTED] (b) (5)
58. Counsel to the President/General Counsel/DOD: Memorandum re Authority for Use of Military Force to Combat Terrorist Activities Within the United States (Delahunty) (issued on 10/23/01)
59. Deputy Counsel to the President: Memorandum re Terms of Members of the Civil Rights Commission (Koffsky) (issued on 10/31/01)
60. General Counsel/OGE: Memorandum re The Nature of the Financial Interest of a Trustee of a Private Trust and the Scope of the Definition of Serving in an "Organization" as a

“Trustee” Under 18 U.S.C. 208(a) (Werner) (issued on 11/02/01)

61. Counsel to the President: Memorandum re Legality of the Use of Military Commissions to Try Terrorists (b) (5) (issued on 11/06/01)
62. AAAG/OLC: Testimony on Edward Whelan III re Oversight of the Presidential Records Act (11/06/01)
63. Senior Associate Counsel to the President: Memorandum re Authority of the President to Suspend Certain Provisions of the ABM Treaty (Delahunty/Yoo) (issued on 11/15/01)
64. General Counsel, DOD: Memorandum re Possible Criminal charges Against American Citizen Who Was a Member of the al Qaeda Terrorist Organization or the Taliban Militia (Yoo) (issued on December 21, 2001)
65. (b) (5)
66. Deputy Counsel to the President: Memorandum re Commerce, Justice and State Appropriations Bill (Colborn) (issued on 11/20/01)
67. Counsel to the President: Memorandum re Treaties and Laws Applicable to the Conflict in Afghanistan and to the Treatment of Persons Captured by U.S. Armed Forces in that Conflict (Yoo) (issued on 11/30/01)
68. AAG/OLC: Testimony of Jay Bybee on Settlement of the “Nextwave” Case (12/6/01)
69. (b) (5)
70. (b) (5)
71. General Counsel/Department of Defense: Memorandum re Possible Criminal Charges Against American Citizen Who Was a Member of the al Qaeda Terrorist Organization or the Taliban Militia (Yoo) (issued on 12/20/01)
72. (b) (5)
73. (b) (5)

2002 LIST OF OPINIONS  
January 2002 through December 2002

1. [REDACTED] (b) (5)
2. Counsel to the President: Memorandum re Application of Treaties and Laws to al Qaeda and Taliban Detainees (Yoo) (issued on January 22, 2002)
3. [REDACTED] (b) (5)
4. Counsel to the President: Memorandum re Status of Taliban Forces Under Article 4 of the Third Geneva Convention of 1949 (Yoo) (issued on February 7, 2002)
5. General Counsel for Department of Defense: Memorandum re Potential Legal Constraints Applicable to Interrogations of Persons Captured by U.S. Armed Forces in Afghanistan (b) (6) (issued on February 26, 2002)
6. Deputy General Counsel for Department of Education: Memorandum re Application of 18 U.S.C. § 203 to Former Employee's receipt of Attorney's Fees (Koffsky) (issued on February 28, 2002)
7. [REDACTED] (b) (5)
8. [REDACTED] (b) (5)
9. General Counsel, Department of Defense: Memorandum re The President's Power as Commander in Chief to Transfer Captured Terrorists to the Control and Custody of Foreign Nations (b) (6) (issued on March 13, 2002)
10. General Counsel, INS: Memorandum re Role of Legal Guardians or Proxies in Naturalization Proceedings (Whelan/Simon) (issued on March 13, 2002)
11. Deputy Counsel to the President: Memorandum re What Actions the President Can Take Unilaterally and without Congressional Consent Towards Centralizing Border Control Policy (Yoo) (issued on March 20, 2002)
12. Attorney General: Memorandum re Non-Preemption of the Authority of State and Local Enforcement Officials to Arrest Aliens for Immigration Violations (Huntington/Whelan) (issued on April 3, 2002) (not a public document)

13. Testimony by John Yoo: Testimony for Senate Committee on the Judiciary re Applying the War Powers Resolution to the War on Terrorism (April 17, 2002)
14. U.S. Chemical Safety and Hazard Investigation Board: Memorandum re Whether the Board May Delegate Executive and Administrative Authority, Previously Exercised by its Chairperson, to a Single Member While the Position of Chairperson is Vacant (Koffsky) (issued on April 19, 2002)
15. General Counsel/OGE: Memorandum re Application of Conflict-of-Interest Rules to Appointees Who Have Not Begun Service (Koffsky) (issued on May 8, 2002)
16. Deputy Counsel to the President: Memorandum re Applicability of Ineligibility Clause to Appointment of Congressman Tony P. Hall (Koffsky) (issued on May 30, 2002)
17. Solicitor General: Memorandum re Survey of the Law of Expatriation (b) (6) (issued on June 12, 2002)
18. Chief Counsel/DEA: Memorandum re Authority of Federal Judges and Magistrates to Issue "No-Knock" Warrants (G. Smith) (issued on June 12, 2002)
19. [REDACTED] (b) (5)
20. Assistant Attorney General/OLA: Memorandum re Applicability of 18 U.S.C. § 400(a) to Military Detention of United States Citizens (b) (6) (issued on June 27, 2002)
21. [REDACTED] (b) (5)
22. General Counsel for the Board of Governors: Memorandum re Permissibility of federal Reserve Board Efforts to Control Access to Buildings and Open Meetings (Colborn) (issued on July 9, 2002)
23. [REDACTED] (b) (5)
24. [REDACTED] (b) (5)
25. [REDACTED] (b) (5)

26. Deputy Attorney General: Memorandum re Effect of the Patriot Act on Disclosure to the President and Other Federal Officials of Grand Jury and Title III Information Relating to National Security and Foreign Affairs (R. Werner/P. Philbin) (issued on July 22, 2002)

27. [REDACTED] (b) (5)

28. [REDACTED] (b) (5)

29. [REDACTED] (b) (5)

30. Assistant Attorney General, Criminal Division: Memorandum re Whether Section 319(b) of the Patriot Act Includes Authority for the Issuance of Grand Jury Subpoenas to Foreign Banks that Maintain Correspondent Accounts in the United States (R. Werner/Larsen/Yoo) (issued on August 6, 2002)

31. Administrator for Federal Procurement Policy/OMB: Memorandum re What Limitations 44 U.S.C. § 1903 May Place on Executive Agencies Procuring the Printing of Government Publications (Eisenberg) (issued on August 22, 2002)

32. [REDACTED] (b) (5)

33. Assistant Attorney General, Office of Legal Policy: Memorandum re Scope of Section 203(d) of the Patriot Act and Its Impact on the Scope of the Mandatory Disclosure Provision of Section 905(a) of the Patriot Act (R. Werner) (issued on September 17, 2002)

34. General Counsel/FEMA: Memorandum re Authority of FEMA to Provide Disaster Assistance to Seattle Hebrew Academy (S. Johnson) (issued on September 25, 2002)

35. General Counsel/Office of President: Memorandum re Constitutionality of Public Law 107-240, Which Purports to Require the Executive Branch to Procure Virtually All Printing Needs Through the Government Printing Office (Bradshaw) (issued on October 22, 2002)

36. Counsel to the President: Memorandum re the Authority of the President Under Domestic and International Law to Use Military Force Against Iraq ((b) (6)) (issued on October 23, 2002)

37. [REDACTED] (b) (5)

38. [REDACTED] (b) (5)

39. [REDACTED] (b) (5)

40. Counsel to the President: Memorandum re Effect of a Recent United National Security Council Resolution on the Authority of the President Under International Law to Use Military Force Against Iraq (Yoo) (issued on November 8, 2002)

41. Deputy Counsel to the President: Memorandum re Acting Solicitor of Labor (Koffsky/Whelan) (issued on November 15, 2002)

42. [REDACTED] (b) (5)

43. [REDACTED] (b) (5)

44. [REDACTED] (b) (5)

45. [REDACTED] (b) (5)

46. Associate Counsel to the President: Memorandum re Expiration of Authority of Recess Appointees (Koffsky) (issued on November 22, 2002)

47. [REDACTED] (b) (5)

48. [REDACTED] (b) (5)

49. Counsel to the Vice President: Memorandum re Further Material Breach Under U.N. Security Council Resolution 1441 as a Result of False Statements or Omissions in Iraq's WMD Declaration ((b) (6)) (issued on December 7, 2002)
50. Deputy Attorney General: Memorandum re Bureau of Prisons Practice of Placing in Community Confinement Certain Offenders Who Have Received Sentences of Imprisonment (Whelan/Smith) (issued on December 13, 2002)
51. [REDACTED] (b) (5)
52. [REDACTED] (b) (5)
53. General Counsel/Dept. Of Treasury: Memorandum re Under Secretary of Treasury for Enforcement (Koffsky) (issued on December 19, 2002)
54. Counsel to the President: Memorandum re Duty to File Public Financial Disclosure Report (Koffsky) (issued on December 19, 2002)
55. Deputy Attorney General: Memorandum re Legality of Fixed-Priced Intergovernmental Agreements for Detention Services (Whelan) (issued on December 31, 2002)

2003 LIST OF OPINIONS  
January 2003 through December 2003

1. General Counsel, OMB: Memorandum re Funding for Technical Assistance for Agricultural Conservation Programs (Kehne/Whelan) **January 3, 2003**
2. General Counsel/Navy, Acting Deputy General Counsel/EEOC: Memorandum re The Equal Employment Opportunity Commission's Authority to Impose Attorney's Fees Against Federal Agencies for Failure to Comply with Orders Issued by EEOC Administrative Judges (Eisenberg) **January 6, 2003**
3. [REDACTED] (b) (5)
4. [REDACTED] (b) (5)
5. [REDACTED] (b) (5)
6. [REDACTED] (b) (5)
7. [REDACTED] (b) (5)
8. Deputy Director for Management/OMB: Memorandum re Whether Canteen Service Provided Through the Veterans' Canteen Service is Exempt from Review Under Federal Activities Inventory Reform Act of 1998 (Eisenberg/Whelan) **January 31, 2003**
9. General Counsel/DOT, Acting Chief Counsel/Bureau of Alcohol, Tobacco, Firearms: Memorandum re Section 1123(b) of the Safe Explosives Act (Huntington) **February 6, 2003**
10. Counsel to the President: Memorandum re United States Holocaust Memorial Council (Whelan) **February 6, 2003**
11. Deputy Attorney General: Memorandum re Limitations on the Detention Authority of the INS (Philbin) **February 20, 2003**
12. Solicitor/National Labor Relations Board: Memorandum re Quorum Requirements (Koffsky) **March 4, 2003**
13. Deputy Attorney General: Memorandum re Scope of the Attorney General's Authority to



Assign Duties Under 21 U.S.C. Section 878(a)(5) (Koffsky) **March 24, 2003**

14. [REDACTED] (b) (5)
15. [REDACTED] (b) (5)
16. Attorney General: Memorandum *In re David Joseph* (A73 213 378) (George Smith) **April 17, 2003**
17. [REDACTED] (b) (5)
18. Solicitor: Memorandum re Authority of the Department of the Interior to Provide Historic Preservation Grants to Historic Religious Properties Such as the Old North Church (Johnson) **April 30, 2003**
19. [REDACTED] (b) (5)
20. [REDACTED] (b) (5)
21. [REDACTED] (b) (5)
22. [REDACTED] (b) (5)
23. [REDACTED] (b) (5)
24. Deputy Counsel to the President: Memorandum re Designation of Acting Director of the Office of Management and Budget (Koffsky) **June 12, 2003**
25. General Counsel/Veterans Affairs: Memorandum re VA's Authority to Fill Certain Prescriptions Written by Non-VA Physicians (Smith/Whelan) **July 3, 2003**

26. [REDACTED] (b) (5)
27. Deputy Attorney General: Memorandum re Interpretation of Section 586 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act (Colborn) **July 18, 2003**
28. Acting Principal Legal Advisor/Dept. Of Homeland Security: Memorandum re Eligibility of Unlegitimated Children for Derivative Citizenship (Simon/Whelan) **July 24, 2003**
29. [REDACTED] (b) (5)
30. General Counsel/OMB: *Revised* Memorandum re Authority of Chief Financial Officer under FY 2003 HUD Appropriations (Whelan) **August 12, 2003**
31. Director, Executive Office for United States Attorneys: Q's and A's re Temporary Filling of Vacancies in the Office of United States Attorney (Koffsky/Whelan) **September 5, 2003**
32. [REDACTED] (b) (5)
33. AAG/Civil Rights Division: Memorandum re Employment Opportunity Commission's Authority to Initiate Actions Against Public Employers to Enforce Settlement or Conciliation Agreements (Demers) **September 8, 2003**
34. Counsel to the President: Memorandum re Amtrak Board of Directors (Koffsky/Whelan) **September 22, 2003**
35. Principal Deputy Assistant Attorney General/CRTS: Memorandum re Whether Certain Direct Recording Electronic Voting Systems Comply With the Help America Vote Act and the Americans with Disabilities Act (Mitchell) **October 10, 2003**
36. [REDACTED] (b) (5)

2004 LIST OF OPINIONS  
January 2004 through December 2004

1. Counsel to the President: Letter re Whether it is Legally Permissible for the President to Assert Constitutionally Based Privilege with Respect to Certain Reagan Administration Documents that are Otherwise Required to be Released by the National Archives and Records Administration (NARA) Under the Presidential Records Act (PRA) (Colborn) **January 12, 2004**
2. [REDACTED] (b) (5)
3. Deputy Attorney General: Memorandum re Status of the Foreign Claims Settlement Commission (Koffsky/Whelan) **February 20, 2004**
4. [REDACTED] (b) (5)
5. Deputy Legal Adviser/DOS: Memorandum re Liability of Contractors in Airbridge Denial Programs (Koffsky) **March 1, 2004**
6. General Counsel/OPM and USPS: Memorandum re Apportionment of False Claims Act Recoveries to Agencies (Colborn) **March 12, 2004**
7. Counsel to President: Memorandum re Deployment of United States Armed forces Into Haiti (Miller) **March 17, 2004**
8. Counsel to the President: Memorandum re Protected Persons in Occupied Iraq ((b) (6)) **March 18, 2004**
9. [REDACTED] (b) (5)
10. Legal Adviser, DOS: Memorandum re Mechanism for Funding Intelligence Centers (Koffsky) **March 19, 2004**
11. General Counsel/OMB: Memorandum re Status of National Veterans Business Development Corporation (Koffsky) **March 19, 2004**
12. Inspector General: Memorandum re Constitutionality of Certain FBI Intelligence Bulletins (Sobota) **April 5, 2004**
13. [REDACTED] (b) (5)
14. General Counsel/HHS: Letter re OLC's response to memorandum from the

Congressional Research Service re Agency Prohibiting a Federal Officer from Providing Accurate Cost Information to the United States Congress (Colborn) May 21, 2004

15. [REDACTED] (b) (5)
16. [REDACTED] (b) (5)
17. [REDACTED] (b) (5)
18. [REDACTED] (b) (5)
19. [REDACTED] (b) (5)
20. General Counsel/Presidio Trust: Memorandum re Jurisdiction of the Equal Employment Opportunity Commission Over Complaints Alleging Employment Discrimination by the Presidio Trust (Simon), June 22, 2004
21. General Counsel/OGE: Memorandum re Application of 18 U.S.C § 207(f) to a Former Senior Employee of the Department of Commerce, (Simon) June 22, 2004
22. [REDACTED] (b) (5)
23. Acting General Counsel/DOC: Memorandum re Whether the Department of Commerce May Prescribe Regulations Limiting the Partisan Political Activities of the Commissioned Officers Corps in the National Oceanic and Atmospheric Administration (NOAA) (Mitchell) July 29, 2004
24. General Counsel/HHS: Memorandum re Whether Appropriations May be Used for Informational Video News Release (Sobota) July 30, 2004
25. [REDACTED] (b) (5)
26. Attorney General: Memorandum re Whether the Second Amendment Secures on Individual Right (Levin/Marshall) August 24, 2004

27. Deputy Counsel/WH: Memorandum re Requirement that "Private Citizens" be appointed from "Private Life" to the National Council for the Humanities (Koffsky/Herring) **August 27, 2004**
28. Deputy Chief Counsel/FAA: Memorandum re Ethics Issues Raised by the Retention and Use of the Flight Privileges by Employees of the FAA (Koffsky/Chaiten) **August 30, 2004**
29. Acting General Counsel/HUD: Memorandum re Authority of HUD's Chief Financial Officer to Submit Final Reports on Violations of Appropriations Laws (Johnson) **August 31, 2004**
30. [REDACTED] (b) (5)
31. Vice President and General Counsel/USPS: Memorandum re Legality of EEOC's Class Action Regulations (Demers) **September 20, 2004**
32. Deputy Secretary/DOC: Memorandum re Use of Appropriations to Pay Travel Expenses for an International Trade Administration Fellowship Program (Koffsky/Chaiten/Bradbury) **October 7, 2004**
33. [REDACTED] (b) (5)
34. Assistant Attorney General/OJP: Memorandum re Applicability of Section 504 of the Rehabilitation Act to a Tribally Controlled School (Simon) **November 16, 2004**
35. Deputy Counsel to the President: Memorandum re Terms of Members of the Civil Rights Commission (Koffsky) **November 30, 2004**
36. [REDACTED] (b) (5)
37. [REDACTED] (b) (5)
38. Deputy Counsel to the President: Memorandum re Political Balance Requirement for the Civil Rights Commission (Koffsky) **December 6, 2004**

39.

(b) (5)

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(b) (5)

41. Deputy Attorney General: Memorandum re: Legal Standards Applicable Under 18 U.S.C. §§ 2340-2340A (Levin/Koffsky) **December 30, 2004**

2005 LIST OF OPINIONS  
January 2005 through December 2005

1. [REDACTED] (b) (5)
2. Chief Counsel/ATF: Memorandum re The Applicability of Certain Record-Destruction Requirements to the Bureau of Alcohol, Tobacco, Firearms and Explosives (Marshall) dated **January 11, 2005**
3. Deputy Counsel to the President: Memorandum re Status of the Director of Central Intelligence Under the National Security Intelligence Reform Act of 2004 (Chaiten/Marshall) dated **January 12, 2005**
4. [REDACTED] (b) (5)
5. Vice President/General Counsel: Memorandum re Religious Objects to the Postal Service Oath of Office (Johnson/Marshall) dated **February 2, 2005**
6. Associate Counsel to the President: Memorandum re Application of the Emoluments Clause to a Member of the President's Council on Bioethics (Chaiten) dated **March 9, 2005**
7. [REDACTED] (b) (5)
8. [REDACTED] (b) (5)
9. [REDACTED] (b) (5)
10. [REDACTED] (b) (5)
11. General Counsel/HHS and Senior Counsel to the Deputy Attorney General: Memorandum re Scope of Criminal Enforcement Under 42 U.S.C. Section 1320d-6 (Demers) dated **June 1, 2005**

12. [REDACTED] (b) (5)
13. [REDACTED] (b) (5)
14. [REDACTED] (b) (5)
15. Counsel to the President: Memorandum re Whether the President May Sign a Bill by Directing that his Signature be Affixed to It (Weiner) dated **July 7, 2005**
16. [REDACTED] (b) (5)
17. Chairman, Defense Base Closure and Realignment Commission: Memorandum re Authority under the Defense Base Closure and Realignment Act to Close or Realign National Guard Installations Without the Consent of State Governors (Willen) dated **August 10, 2005**
18. General Counsel, DOD: Memorandum re Proposed Amendments to Military Commission Order No. 1 ((b) (6)) dated **August 12, 2005**
19. [REDACTED] (b) (5)
20. General Counsel of the Navy: Memorandum re Application of 18 U.S.C. § 207(c) to Proposed Communications between Retired Rear Admiral and Marine Commanders in Iraq Regarding Security Issues (Willen) dated **September 13, 2005**
21. Counsel to the President: Memorandum re Appointments to the Board of the Legal Services Corporation (Koffsky) dated **September 20, 2005**
22. Solicitor/Department of Labor: Letter re Whistleblower Provisions of the Solid Waste Disposal Act and the Clean Air Act (Sobota) dated **September 23, 2005**
23. General Counsel/Dept. Of Commerce: Memorandum re Application of 18 U.S.C. § 1913 to Grass Roots Lobbying by Union Representatives (Koffsky) dated **November 23, 2005**



24.

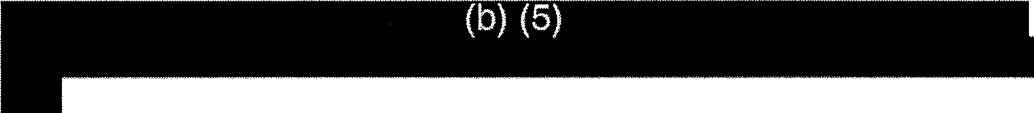
(b) (5)

2006 LIST OF OPINIONS  
January, 2006 through December, 2006

1. [REDACTED] (b) (5)
2. General Counsel, OGE: Memorandum re Financial Interests of Nonprofit Organizations (Koffsky) dated January 11, 2006
3. Memorandum re Legal Authorities Supporting the Activities of the National Security Agency Described by the President ([REDACTED] (b) (6) [REDACTED]) dated January 19, 2006
4. Testimony of C. Kevin Marshall, Deputy Assistant Attorney General, Office of Legal Counsel, before the Committee on Resources, United States House of Representatives re "The Report by the President's Task Force on Puerto Rico's Status" dated April 27, 2006
5. [REDACTED] (b) (5)
6. [REDACTED] (b) (5)
7. [REDACTED] (b) (5)
8. [REDACTED] (b) (5)
9. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the Committee on the Judiciary, United States Senate re *Hamdan v. Rumsfeld* dated July 11, 2006
10. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the House Armed Services Committee, United States House of Representatives re *Hamdan v. Rumsfeld* dated July 12, 2006
11. Testimony of Steven Bradbury, Assistant Attorney General, Office of Legal Counsel, before the Committee on the Judiciary, United States Senate re FISA for the 21<sup>st</sup> Century dated July 26, 2006

12. [REDACTED] (b) (5)
13. United States Pardon Attorney: Memorandum re The Effect of a Presidential pardon on Judicial and Executive Branch Records of the Crime (Willen) dated August 11, 2006
14. General Counsel/USTR: Memorandum re Application of the Government Corporation Control Act and the Miscellaneous Receipts Act to the Canadian Softwood Lumber Settlement Agreement (Koffsky/Kernodle) dated August 22, 2006
15. [REDACTED] (b) (5)
16. Chairman/Integrity Committee of the President's Council on Integrity and Efficiency: Memorandum re Jurisdiction of Integrity Committee When Inspector General Leaves Office After Referral of Allegations dated September 5, 2006
17. Testimony of AAG/OLC: Testimony of Steven Bradbury before the Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, United States House of Representatives re Legislative Proposals to Update The Foreign Intelligence Surveillance Act (FISA) September 6, 2006
18. [REDACTED] (b) (5)
19. [REDACTED] (b) (5)
20. General Counsel/Commerce: Memorandum re Applicability of the Miscellaneous Receipts Act to Contractors Receiving Personal Convenience Fees from Attendees at an Agency-Sponsored Conference dated (Forrester) November 22, 2006

2007 LIST OF OPINIONS  
January, 2007 through December, 2007

1. General Counsel, DOD: Memorandum re Days of Service by Special Government Employees (Koffsky) **dated January 16, 2007**
2. General Counsel, HHS: Memorandum re Legality of Alternative Organ Donation Practices Under 42 U.S.C. § 274e (Simon/Colborn) **dated March 28, 2007**
3. General Counsel, SEC: Memorandum re Status of Public Company Accounting Oversight Board Under 18 U.S.C. § 207(c) (Koffsky) **dated March 30, 2007**
4. General Counsel, EPA: Memorandum re Use of Appropriated Funds to Purchase "Light Refreshments" at Government Meetings for Persons Who Are Not Federal Employees (Bamzai) **dated April 5, 2007**
5. General Counsels of Executive Branch: Memorandum re Officers of the United States Within the Meaning of the Appointments Clause (Bamzai) **dated April 16, 2007**
6. Testimony before the Subcommittee on Insular Affairs of committee on Natural Resources U.S. House of Representatives: Re H.R.900 "Puerto Rico Democracy Act of 2007" and "H.R. 1230, The Puerto Rico Self Determination Act of 2007" (Marshall) **dated April 25, 2007**
7. Chief Counsel, ATF: Memorandum re When a Conviction Qualifies as a "Misdemeanor Crime of Domestic Violence (Colborn) **dated May 17, 2007**
8.  (b) (5)
9. Testimony before Committee on the Judiciary U. S. Senate: re "Ending Taxation Without Representation" The Constitutionality of S.1257, The District of Columbia House Voting Rights Act of 2007" (Bradbury) **dated May 23, 2007**
10. Testimony of Steve Bradbury/American Civil Liberties Union v. DOJ/OLC re FOIA Exemptions: dated **June 7, 2007**
11. General Counsel, FBI: Memorandum re Application of the Emoluments Clause to a Member of the Federal Bureau of Investigation Director's Advisory Board (Koffsky/Goldstein) **dated June 15, 2007**
12. General Counsel, OJP: Memorandum re Application of the Religious Freedom Restoration Act to the Award of a Grant to World Vision, Inc. Pursuant to the Juvenile Justice and Delinquency Prevention Act (Forrester) **dated June 20, 2007**

13. The President: Letter to the President regarding Executive Privilege. **(b) (6)** dated **June 27, 2007**
14. Counsel to the President: Memorandum re Immunity of Former Counsel to the President from Compelled Congressional Testimony **(b) (6)** dated **July 10, 2007**
15. [REDACTED] **(b) (5)**
16. [REDACTED] **(b) (5)**
17. [REDACTED] **(b) (5)**
18. Deputy Counsel to the President: Memorandum re Whether the Office of Administration Within the Executive Office of the President is an "Agency" for Purposes of the Freedom of Information Act (Krass) dated **August 21, 2007**
19. [REDACTED] **(b) (5)**
20. Counsel to President: Memorandum re Authority of the President to name an Acting Attorney General (Koffsky) dated **September 17, 2007**
21. [REDACTED] **(b) (5)**
22. [REDACTED] **(b) (5)**

**2008 LIST OF OPINIONS**  
**January, 2008 through December, 2008**

1. Testimony Before the Committee on Small Business, U.S. House of Representatives: Re Federal Government Efforts in Contracting with Women-Owned Businesses (Papez) dated January 16, 2008
2. General Counsel/OMB and Acting General Counsel/DHS: Memorandum re Constitutionality of Direct Reporting Requirement in Section 802(e)(1) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Oldham) dated January 29, 2008
3. [REDACTED] (b) (5)
4. General Counsel, VA and Solicitor/DOL: Memorandum re Payment of Back Wages to Physicians Hired Under H-1B Visa Program (Simon) dated February 11, 2008
5. Testimony before House Committee on the Judiciary, Subcommittee on the Constitution, Civil rights and Civil Liberties: Re CIA's Program of Detention and Interrogation of High-Value (Bradbury) dated February 14, 2008
6. Director, Office of Government Ethics: Memorandum re Office of Government Ethics Jurisdiction Over the Smithsonian Institution and Its Personnel (Kedem) February 29, 2008
7. [REDACTED] (b) (5)
8. [REDACTED] (b) (5)
11. Acting General Counsel, DOD: Memorandum re Promotions of the Judge Advocates General under Section 543 of the National Defense Authorization Act for Fiscal Year 2008 (Anderson) dated April 14, 2008
12. Testimony of John P. Elwood: Before the Subcommittee on the Constitution, Civil Rights and Property Rights Committee on the Judiciary United States Senate entitled "Secret Law and the Threat to Democratic And Accountable Government" dated April 30, 2008
13. [REDACTED] (b) (5)

14. [REDACTED] (b) (5)
15. [REDACTED] (b) (5)
16. General Counsel, OMB: Memorandum re Validity of the Food, Conservation, and Energy Act of 2008 (Agarwal) dated May 23, 2008
17. [REDACTED] (b) (5)
18. Acting General Counsel, EPA: Memorandum re Whether Agency Employees May be held Liable for Losses Caused by Their Negligence or Misuse of Government Personal Property (Kedem) dated May 28, 2008
19. General Counsel, OPM: Memorandum re Admissibility of Electronic Copies of Personnel Records in Federal Litigation (Forrester) dated May 30, 2008
20. [REDACTED] (b) (5)
21. [REDACTED] (b) (5)
22. The President: Letter to the President asking for Executive Privilege with Respect to Dept. Of Justice Documents Subpoenaed by the Committee On the Government Reform of the House of Representatives. dated July 15, 2008
23. Acting General Counsel, HHS: Memorandum re Scope of the Definition of "Variola Virus" under the Intelligence Reform and Terrorism Prevention Act of 2004 (Simon) dated July 24, 2008
24. General Counsel, DOC: Memorandum re Applicability of 18 U.S.C. § 207(f) to Public Relations Activities Undertaken for a Foreign Corporation Controlled by a Foreign Government (Anderson) dated August 13, 2008
25. [REDACTED] (b) (5)

26. Secretary of the Treasury: Letter re Amended and Restated Senior Preferred Stock Purchase Agreements between the United States Department of the Treasury and the Federal National Mortgage Ass'n. (Koffsky) **dated September 26, 2008**
27. [REDACTED] (b) (5)
28. Acting AAG/Criminal Div: Memorandum re Scope of Exemption under Federal Lottery Statutes for Lotteries Conducted by a State Acting under the Authority of State Law **dated October 16, 2008**
29. [REDACTED] (b) (5)
30. General Counsel/FBI: Memorandum re Requests for Information Under the Electronic Communications Privacy Act (Anderson) **dated November 5, 2008.**
31. Acting General Counsel/DHS: Memorandum re Meaning of "Temporary" Work Under 8 U.S.C., § 1101(a)(15)(H)(ii)(b) (Anderson) **dated December 18, 2008**
32. [REDACTED] (b) (5)



**2009 LIST OF OPINIONS**  
**January, 2009 through December, 2009**

1. Counsel to the President: Memorandum re Legal Issues Relating to the Testing, Use, and Deployment of an Intrusion-Detection System (EINSTEIN 2.0) to Protect Unclassified Computer Networks in the Executive Branch (Lehotsky) **dated January 9, 2009**
2. General Counsel/JMD: Memorandum re Status of Presidential Memorandum Addressing the Use of Polygraphs (Marwell) **dated January 14, 2009**
3. [REDACTED] (b) (5)
4. [REDACTED] (b) (5)
5. Attorney General: Memorandum re Validity of Statutory Rollbacks as a Means of Complying with the Ineligibility Clause (Thompson/Anderson) **dated May 20, 2009**
6. Attorney General: Memorandum re the Withdrawal of Office of Legal Counsel CIA Interrogation Opinions **dated April 15, 2009**
7. Acting AAG/OLA: Memorandum re the Constitutionality of the Ronald Reagan Centennial Commission Act of 2009 **dated April 21, 2009**
8. Acting Legal Adviser/DOS: Memorandum re Constitutionality of Section 7054 of the Fiscal Year 2009 Department of State, Foreign Operations, and Related Programs Appropriations Act (Paisner) **dated June 1, 2009**
9. Attorney General: Memorandum re Withdrawal of the Office of Legal Counsel Opinion **dated June 11, 2009**
10. AAG/OLA: Memorandum re Constitutionality of the Matthew Shepard Hate Crimes Prevention Act (Stith) **dated June 16, 2009**
11. Counsel to the President: Memorandum re Eligibility of a Retired Military Officer and Appointment as Administrator of the National Aeronautics and Space Administration (LeBlanc) **dated July 8, 2009**
12. [REDACTED] (b) (5)
13. Associate Deputy Attorney General/DOJ: Memorandum re Additional Legal Questions Concerning the EINSTEIN 2.0 Program (Price) **dated August 14, 2009**

14. General Counsel/SBA: Memorandum re Permissibility of Small Business Administration Regulations Implementing the Historically Underutilized Business Zone, 8(a) Business Development, and Service-Disabled Veteran-Owned Small Business Concern Programs (LeBlanc) dated August 21, 2009
15. [REDACTED] (b) (5)
16. [REDACTED] (b) (5)
17. [REDACTED] (b) (5)
18. General Counsel/FHFA: Memorandum re Authority to the Former Inspector General of the Federal Housing Finance Board to Act as Inspector General for the Federal Housing Finance Agency (Price) dated September 8, 2009
19. [REDACTED] (b) (5)
20. Assistant Secretary/TREAS: Memorandum re Constitutionality of Mandatory Registration of Credit Rating Agencies (Cedarbaum) dated October 22, 2009
21. General Deputy General Counsel/HUD: Memorandum re Applicability of Section 163 of Division B of Public Law 111-68 to Payments in Satisfaction of Pre-Existing Contractual Obligations ([REDACTED] (b) (6) ) dated October 23, 2009
22. Principal Deputy Counsel to President: Memorandum re Removability of the Federal Coordinator for Alaska Natural Gas Transportation Projects (Venugopal) dated October 23, 2009
23. [REDACTED] (b) (5)
24. Assistant Attorney General, Criminal Div: Memorandum re Whether the Ten-Year Minimum Sentence in 18 U.S.C § 924(c)(1)(B)(I) Applies to Semiautomatic Assault Weapons (Gorod) dated November 10, 2009 [Note this version was updated on Nov. 24<sup>th</sup> for publication]

25.

(b) (5)

26. Counsel to the President: Memorandum re Applicability of the Emoluments Clause and the Foreign Gifts and Decorations Act to the President's Receipt of the Nobel Peace Prize ( (b) (6) ) dated December 7, 2009
27. General Counsel/EPA: Memorandum re Whether Subsection 104(b)(4) of the Clean Air Act Permits the Receipt of Monetary Donations (Kirschner) dated December 8, 2009
28. The Attorney General: Memorandum re The Scope of the Attorney General's Authority in Certifying Whether a State Has Satisfied the Requirements for Appointment of Competent Post-Conviction Counsel in Chapter 154 of Title 28, United States Code (Paisner) dated December 16, 2009

**2010 LIST OF OLC OPINIONS**  
January, 2010 through December, 2010

1. [REDACTED] (b) (5)
2. Legal Adviser/NSC: Memorandum re Engagement with the International Criminal Court (Bulman-Pozen) dated January 15, 2010
3. [REDACTED] (b) (5)
4. [REDACTED] (b) (5)
5. OMB: Memorandum re Proposed Constitution for the U.S. Virgin Islands The following memorandum was initially drafted in the Office of Legal Counsel at the request of the Assistant Attorney General for Legislative Affairs. It analyzes several features of the proposed constitution of the U.S. Virgin Islands ("USVI"), including: (1) the absence of an express recognition of United States sovereignty and the supremacy of federal law; (2) provisions for a special election on the USVI's territorial status; (3) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency, or ancestry; (4) residence requirements for certain offices; (5) provisions guaranteeing legislative representation of certain geographic areas; (6) provisions addressing territorial waters and marine resources; (7) imprecise language in certain provisions of the proposed constitution's bill of rights; (8) the possible need to repeal certain federal laws if the proposed USVI constitution is adopted; and (9) the effect of congressional action or inaction on the proposed constitution dated February 23, 2010 [this memo was drafted by OLC at the request of OLA for signature]
6. [REDACTED] (b) (5)
7. [REDACTED] (b) (5)

8. [REDACTED] (b) (5)
9. Acting Deputy Attorney General: Memorandum re Whether the Criminal Provisions of the Violence Against Women Act Apply to Otherwise Covered Conduct When the Offender and Victim Are the Same Sex (Bulman-Pozen) **dated April 27, 2010**
10. Chief Counsel/IRS: Memorandum re Applicability of Tax Levies Under 26 U.S.C. § 6334 to Thrift Savings Plan Accounts (Price) **dated May 3, 2010**
11. [REDACTED] (b) (5)
12. Testimony before the Committee on Energy and Natural Resources/Senate: Re Proposed Constitution for the Virgin Islands (Cedarbaum) **dated May 19, 2010**
13. Chairman/Administrative Conference of the U.S.: Memorandum re Applicability of the Emoluments Clause to Nongovernmental Members of ACUS (Venugopal) **dated June 3, 2010**
14. General Counsel OPM: Memorandum re Whether the Entitlement to Reservist Differential Pay Under the Prior Version of 5 U.S.C. § 5538 Extends to the Period Following the Completion of Active Duty During Which a Returning Reservist may Apply or Report for Reemployment Under 38 U.S.C. § 4312 (Akowuah) **dated June 28, 2010**
15. [REDACTED] (b) (5)
16. Assistant General Counsel/DOC: Memorandum re Applicability of the Emoluments Clause and the Foreign Gifts and Decorations Act to the Goteborg Award for Sustainable Development (Venugopal) **dated October 6, 2010**
17. General Counsel/Dept. of Treasury: Memorandum re Whether the Special Master for Troubled Asset Relief Program Executive Compensation Is a Principal Officer under the Appointments Clause (Lilley) **dated November 5, 2010**
18. Acting General Counsel, SSA: Memorandum re Disposition of Proceeds from the Sale of Real Property Acquired with Money from the Social Security Trust Funds (Venugopal) **dated December 17, 2010**
19. Acting Deputy Attorney General: Memorandum re The Availability of Crime Victims' Rights Under the Crime Victims' Rights Act of 2004 (Winn) **dated December 17, 2010**

**LIST OF OLC OPINIONS**  
January, 2011 through December, 2011

1. General Counsel. EPA: Memorandum re Reimbursement or Payment Obligation of the Federal Government Under Section 313(c)(2)(B) of the Clean Water Act (Dunbar) **dated February 25, 2011.**
2. Attorney General: Memorandum re Use of Military Force in Libya (b) (6) **dated April 1, 2011**
3. Counsel to the President: Memorandum re Authority to Employ White House Office Personnel Exempt from the Annual and Sick Leave Act Under 5 U.S.C. § 6301(2)(xi) During an Appropriations Lapse (Pulham) **dated April 8, 2011**
4. Counsel to the President: Memorandum re Whether Bills May be Presented by Congress and Returned by the President by Electronic Means (Forrester) **dated May 3, 2011**
5. Chair/Members. Access Review Committee: Memorandum re Applicability of the Foreign Intelligence Surveillance Act's Notification Provision to Security Clearance Adjudications by the Department of Justice Access Review Committee (Mizer) **dated June 3, 2011**
6. Counsel to the President: Memorandum re Constitutionality of Legislation Extending the Term of the FBI Director (Mizer) **dated June 20, 2011**
7. (b) (5)
8. General Counsel/Office of Science and Technology Policy: Memorandum re Unconstitutional Restrictions on Activities of the Office of Science 1340(a) of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (b) (6) **dated September 19, 2011**
9. Assistant Attorney General/CRM: Memorandum re Whether Proposals by Illinois and New York to Use the Internet and Out-of-State Transaction Processors to Sell Lottery Tickets to In-State Adults Violate the Wire Act (Mizer) **dated September 20, 2011**
10. (b) (5)
11. Chief Counsel/ATF: Memorandum re Nonimmigrant Aliens and Firearms Disabilities under the Control Act. (Dunbar) **October 28, 2011**

12. General Counsel/OMB/General Counsel USPS: Memorandum re Whether Postal Employees are Entitled to Receive Service Credit, for Purposes of their Retirement Annuity Under the Federal Employees' Retirement System, for Periods of Employment During Which the U.S. Postal Service has not made its Required Employer Contributions (Robin-Vergeer) **dated November 1, 2011**

**LIST OF OLC OPINIONS**  
January, 2012 through December, 2012

1. Chief Counsel ATF: Memorandum re State of Residence Requirements for Firearms Transfers (Akowuah) dated **January 30, 2012**
2. Counsel to President: Memorandum re Lawfulness of Recess Appointments During a Recess of the Senate Notwithstanding Periodic Pro Forma Sessions **((b) (6))** dated **January 6, 2012**
3. General Counsels VA and GSA: Memorandum re Whether the General Services Administration May Proceed with an Assisted Acquisition for the Department of Veterans Affairs in Fiscal Year 2012 Using the Department's Fiscal Year 2009/2010 Funds (Robin-Vergeer) dated **March 2, 2012**
4. Acting Chief Counsel ATF: Memorandum re State and Local Deputation of Federal Law Enforcement Officers During Stafford Act Deployments (Price) dated **March 5, 2012**
5. **(b) (5)**
6. **(b) (5)**
7. Assistant General Counsel for Administration/DOC: Memorandum re The Anti Deficiency Act Implications of Consent by government Employees to Online Terms of Service Agreements Containing Open-ended Indemnification Clauses (Robin-Vergeer) dated **March 27, 2012**
8. General Counsel/VA: Memorandum re Whether Federal Employees Who Otherwise Qualify for Leave Under Both 5 U.S.C. § 6323(a) and 5 U.S.C. § 6323(b) Must Exhaust Available Leave Under Section 6323(b) Before Taking Leave Under Section 6323(a) (Roberts) dated **April 3, 2012**
9. **(b) (5)**
10. General Counsel/VA: Memorandum re Duty to Report Suspected Child Abuse Under 42 U.S.C. § 13031 (Mizer) dated **May 29, 2012**
11. The President: Memorandum re Assertion of Executive Privilege over Documents



Generated in Response to Congressional Investigation into Operation Fast and Furious  
dated June 19, 2012

- 12. [REDACTED] (b) (5)
- 13. [REDACTED] (b) (5)
- 14. [REDACTED] (b) (5)
- 15. Solicitor/DOL: Memorandum re Whether the United States Dept. of Labor has the Authority to Control the Disclosure of Federal Employee Compensation Act Records Held by the United States Postal Service (Aminfar) dated November 16, 2012
- 16. [REDACTED] (b) (5)

**LIST OF OLC OPINIONS**  
January, 2013 through December, 2013

1. [REDACTED] (b) (5)
2. [REDACTED] (b) (5)
3. [REDACTED] (b) (5)
4. [REDACTED] (b) (5)
5. [REDACTED] (b) (5)
6. [REDACTED] (b) (5)
7. [REDACTED] (b) (5)
8. Acting General Counsel/DOT: Memorandum re Competitive Requirements under the Federal-Aid Highway Program, 23 U.S.C. § 112 ( (b) (6) ) dated August 23, 2013
9. [REDACTED] (b) (5)
10. [REDACTED] (b) (5)