1998 LIST OF OPINIONS
January 1998 through December 1998

1. Counsel to the President: Memorandum regarding Proposed nomination of. (b) (5) (Jan. 27, 1998) (Patricia Small)

2. Counsel to the President: Memorandum regarding Proposed nomination of an. (b) (6) (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. (b) (5) (issued 2/12/98) (Paul Colborn)

6. (b) (5) (DEJ) (issued 2/13/98)

7. (b) (5) (issued 3/12/98) (David Barron)

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. (b) (5) (issued 3/17/98) (Robert Delahunty)

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. (b) (5) (issued 4/6/98)

13. (b) (5) (issued 4/7/98)
14. (b) (5), (issue 4/8/98) (Eric Greenberg)


16. (b) (5), (issue 4/13/98) (Patricia Small)

17. (b) (5), (issue 4/15/98)

18. (b) (5), (issue 4/17/98) (Patricia Small)


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)


22. Counsel to the President: Legality of Background Checks Before Hiring Noncareer SES Personnel. (issued 4/30/98)

23. (b) (5)

24. Testimony to House of Representatives: Concerning Whistle Blower protection for classified disclosure. (issued 5/20/98)

25. (b) (5), (issue 5/26/98) (Paul Colborn)


27. (b) (5), (issue 5/27/98)

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. (b) (5) (Issued 6/25/98) (Small/Peterson)

32. WH Counsel: Appointment of Deputy United States Trade Representative. (Issued 6/25/98) (Koffsky/Nolan)

33. (b) (5) (issued 7/9/98) (Colborn/Peterson)

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. (b) (5) (issued 7/28/98) (Small/Peterson/Moss)

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. (b) (5) (issued on 8/20/98) (Barron)
42. (b) (5) (issued on 8/20/98) (Barron)


45. General Counsel, CIA: Legal Authority to Withhold Information from Congress. (Issued 9/9/98) (Colborn)

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. (b) (5) (issued 9/17/98) (Delahunty/Koffsky/Nolan)


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. (b) (5) (issued 10/7/98) (Colborn)

51. (b) (5) (issued 10/29) (Delahunty/Treanor)

52. (b) (5) (issued 11/2/98) (Delahunty/Treanor)

53. General Counsel, Exim Bank: Section 2(b)(2) of the Export/Import Bank Act of 1945 (issued 11/6/98) (Krass/Delahunty/Treanor)


55. (b) (5) (issued 11/13/98) (Barron/Moss)

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)
1. General Counsel for USPS: Memorandum re Collection of Fee for Stamped Cards (issued 1/7/99 (issued 5/7/99) (Barron/Nolan)

2. 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)


5. Director, Departmental Ethics Office: Memorandum re Attorney’s Fees (issued 2/11/99) (Barron/Nolan)

6. Special Counsel, Department of Treasury: Letter re Review of CID Grand jury Procedures (issued 2/12/99) (Orenstein/Moss)

7. Dept. of Veterans Affairs: Memorandum re Gulf War Veterans Health Statutes (issued 3/12/99) (Smith/Treanor) (approved for issuance)

8. Committee on Governmental Affairs: Testimony on Vacancies Act (3/18/99) (Dan Koffsky)


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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)  
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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)  


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)  
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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)
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 1/3/00) (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. **(Bierschbach/Pillard)** (issued on 2/2/00)

5. **(Singdahlsen)** (issued on 2/4/00)

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. **(Simon/Koffsky)** (issued on 3/16/00) (approved for issuance)

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. **(Lee/Koffsky)** (issued 3/23/00)

11. **(Kehne/Koffksy/Pillard)** (issued on 3/30/00) (approved for issuance)
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. **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)

16. **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)*

17. **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)*

18. **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)*

19. **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)

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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. **Associate Counsel to President**: Memorandum re Displacement of Recess Appointees in Tenure-Protected Positions (Singdahlsen/Koffsky/Moss) (issued on 9/1/00)

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. **Deputy Counsel to the President** Memorandum re Application of Coreligionsts Exemption (Lederman/Moss) (issued on 10/12/00) (not approved for issuance)

34. **Testimony**: Testimony of William Treanor re Information Concerning Lawful Gambling Operations-AG Opinion (Treanor/Moss) (issued on 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. (b) (5) (Werner/Koffsky/Jackson) (not approved for issuance)

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)
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2. (b) (5)
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3. (b) (5)
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4. General Counsel/Dept. Of Agriculture: Memorandum re Preferences Under Subsection 7(b) of the Indian Self-Determination and Education Assistance Act
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5. (b) (5)
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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. (b) (5)
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8. Director/OGE: Memorandum re Authority of the Office of Government Ethics to Issue Touhy Regulations (Guerra/Koffsky/Lee) (issued on 01/18/01)

9. (b) (5)
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10. (b) (5)
    (Treanor/Morrison) (issued on 01/18/01)
11. 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)

12. Solicitor/DOL and General Counsel/VA: Memorandum re The Effect of Veterans’ Health Administration Nurses’ Additional Pay for Sunday and Night Duty on Calculation of Workers’ Compensation Benefits (Nidiry) (issued on 01/19/01)

13. General Counsel/DOC: Memorandum re NOAA Corps Eligibility for Professional Liability Costs Reimbursement (Guerra/Jackson/Smith) (issued on 01/19/01)

14. 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)

15. 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)

16. OLC Attorneys: Memorandum re The Constitutional Separation of Powers Over Foreign Affairs and National Security (Treanor/Koffsky) (issued on 01/19/01)

18. (b) (5) (Koffsky/Kehne) (issued on 01/20/01)

19. (b) (5) (R. Werner/Koffksy) (issued on 02/09/01)

20. (b) (5) (U. Werner) (issued on 02/13/01)

21. 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)

22. 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)
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36. (b) (5) (Koffsky) (issued on 07/24/01)

37. 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)

38. Counsel to the President: Memorandum re President’s Authority to Remove the Chair of the CPSC (Yoo) (issued on 07/31/01)

39. Associate White House Counsel: Memorandum re Appointment of Phil Perry as the Acting Associate Attorney General (Bradshaw) (issued on 08/07/01)

40. (b) (5) (Cedarbaum) (issued on 08/16/01)

41. Legal Adviser: Memorandum re President’s Constitutional Authority to Withdraw Treaties from the Senate (Yoo) (issued on 08/24/01)

42. (b) (5) (Yoo) (issued on 8/30/01)

43. (b) (5) (Yoo) (issued on 08/30/01)

44. 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)

45. 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)

46. (b) (5) (Yoo) (issued on 9/13/01)

47. (b) (5) (Yoo) (issued on 9/13/01)

48. (b) (5) (Whelan) (issued on 09/16/01)

49. (b) (5) (Whelan) (issued on 09/16/01)
50. **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)*

51. **Associate Deputy Attorney**: Memorandum re Constitutionality of Amending Foreign Intelligence Act to Change the Purpose Standard for Searches (Yoo) *(issued on 09/25/01)*

52. **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)*

53. **Chief Counsel/FDA**: Memorandum re Disclosure of Conflicts of Interest of Members of FDA Advisory Panels (Whelan) *(issued on 10/05/01)*

54. **Deputy Counsel to the President**: Memorandum re Kennedy Center Board of Trustees (Koffsky) *(issued on 10/10/01)*

55. **(Yoo) (issued on October 17, 2001)**

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21. The President: Letter asking for Executive Privilege with Respect to Dep’t of Justice Documents Subpoenaed by the Committee On the Government Reform of the House of Representatives (AG, Colborn) dated July 15, 2008

22. 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

23. 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

24. (b) (5) (Kedem) dated September 2, 2008


27. 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

28. (Anderson) dated October 7, 2008


30. (Agarwal) dated November 4, 2008

31. General Counsel, FBI: Memorandum re Requests for Information Under the Electronic Communications Privacy Act (Anderson) dated November 5, 2008


33. Senate majority leader: Constitutionality of the OLC Reporting Act of 2008 (AG) dated November 14, 2008


35. (b) (5) (b) (6)) dated December 24, 2008
LIST OF OPINIONS
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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. (b) (5) dated January 16, 2009

4. (b) (5) (Lederman) dated March 10, 2009

5. Attorney General: Memorandum re the Withdrawal of Office of Legal Counsel CIA Interrogation Opinions (Barron) dated April 15, 2009


7. Attorney General: Memorandum re Validity of Statutory Rollbacks as a Means of Complying with the Ineligibility Clause (Thompson/Anderson) dated May 20, 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. (b) (5) (barron) dated June 3, 2009

10. Attorney General: Memorandum re Withdrawal of the Office of Legal Counsel Opinion (Barron) dated June 11, 2009

11. AAG/OLA: Memorandum re Constitutionality of the Matthew Shepard Hate Crimes Prevention Act (Stith) dated June 16, 2009

12. 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

13. (b) (5) (b) (6) dated August 14, 2009
14. **Associate Deputy Attorney General**: Memorandum re Additional Legal Questions Concerning the EINSTEIN 2.0 Program (Price) dated **August 14, 2009**

15. **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**

16. **Executive Secretary/Task Force on Detention Policy**: Memorandum re Whether the Review Described in the Section 4 of Executive Order 13492 Remains Pending for Purposes of Section 7 of that Order (b) (6) dated **August 28, 2009**

17. (b) (5) (Marwell) dated **September 3, 2009**

18. (b) (5) dated **September 4, 2009**

19. **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**

20. **Counsel to the President**: Application of 5 U.S.C. § 3110 to Two Proposed Appointments by the President to Advisory Committees (Barron, Paisner) dated **September 17, 2009**

21. (b) (5) (Thompson) dated **October 9, 2009**

22. **Assistant Secretary/TREAS**: Memorandum re Constitutionality of Mandatory Registration of Credit Rating Agencies (Cedarbaum) dated **October 22, 2009**

23. **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 (b) (6) dated **October 23, 2009**

24. **Principal Deputy Counsel to President**: Memorandum re Removability of the Federal Coordinator for Alaska Natural Gas Transportation Projects (Venugopal) dated **October 23, 2009**

25. (b) (5) (Thompson) dated **October 27, 2009**

26. (b) (5) (Cedarbaum) dated **November 10, 2009**
27. **Assistant Attorney General/CRM:** 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** [updated Nov. 24 for publication]

28. **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**

29. **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**

30. **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**
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1. **General Counsel, DOC:** Memorandum re Census Confidentiality and the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 *(b)(5)* dated January 4, 2010

2. **Legal Adviser/NSC:** Memorandum re Engagement with the International Criminal Court (Bulman-Pozen) dated January 15, 2010

3. *(b)(5)* dated January 15, 2010

4. *(b)(5)* (Gorod) dated January 20, 2010

5. *(b)(5)* (Paisner) dated January 20, 2010

6. **OMB:** Memorandum re Proposed Constitution for the U.S. Virgin Islands [drafted by OLC at the request of OLA for signature] dated February 23, 2010

7. *(b)(5)* dated March 5, 2010

8. **Testimony before the Committee on Energy and Natural Resources/Senate:** Re Proposed Constitution for the Virgin Islands (Cedarbaum) dated March 17, 2010

9. *(b)(6)) dated March 25, 2010

10. **Assistant Secretary for Financial Institutions/TREAS:** Letter re Orderly Liquidation Authority Panel that would be Authorized by Section 202 of the Committee Print of the Restoring American Financial Stability Act of 2010 (Paisner) dated April 19, 2010

11. **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

12. **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
13. (Forrester) dated May 7, 2010

14. Chairman/Administrative Conference of the U.S.: Memorandum re Applicability of the Emoluments Clause to Nongovernmental Members of ACUS (Venugopal) dated June 3, 2010


16. (Anderson) dated July 16, 2010

17. 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

18. 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

19. 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

LIST OF OLC OPINIONS
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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


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


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-Stat Adults Violate the Wire Act (Mizer) dated September 20, 2011

10. (b) (5)
   (Akowuah) dated October 26, 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. 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) dated March 7, 2012

6. General Counsel and Executive Vice President: Memorandum re Whether a Collective Bargaining Agreement May Require that the United States Postal Service Apply Seniority Rules to Vacant Positions Notwithstanding Requests by Disabled Employees for Reasonable Accommodations Under the Rehabilitation Act (Mizer) dated March 19, 2012

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) dated April 25, 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. (b) (5) (Roberts) dated July 3, 2012

13. (b) (5) (Price) dated July 6, 2012

14. **Acting Director/OGE:** Memorandum re Whether Individuals May be Required to Provide Basic Identifying Information in Order to Access the Financial Disclosure Reports Made Available on Agency websites During the Period Governed by Section 11(a) of the STOCK Act (Roberts/Hostetler) **dated August 22, 2012**

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**

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2. **Counsel to the President:** Memorandum re the President and Director of the Office of Political Strategy and Outreach David Simas is immune from compulsion to testify before the House Committee on Oversight and Government Reform and not required to appear in response to subpoena **(b) (6)** **dated July 15, 2014**

3. **General Counsel/SSA:** Memorandum re The Authority of the Equal Employment Opportunity Commission to order a federal agency to pay a monetary award to Remedy a Breach of a Settlement Agreement (Cicconi) **dated August 13, 2014**

4. **Secretary of Homeland Security/Counsel to the President:** Memorandum re The Department of Homeland Security’s Authority to Prioritize Removal of Certain Aliens Unlawfully Present in the United States and to Defer Removal of Others **(b) (6)** **dated November 19, 2014**

5. **Counsel to the President:** Memorandum re Authority to Use Military Force in Iraq **(b) (6)** **dated December 30, 2014**
LIST OF OLC OPINIONS
January 2015 through December 2015

1. **Subcomm. on Health, Comm. on Veterans Affairs, U.S. House of Representatives:** Statement for the Record re Draft Legislation to Improve Reproductive Treatment Provided to Certain Disabled Veterans; Draft Legislation to Direct the Department of Veterans Affairs (VA) to Submit an Annual Report on the Veterans Health Administration; H.R. 271; H.R. 627; H.R. 1369; H.R. 1575; and H.R. 1769 (Forrester) **dated April 23, 2015**

2. **Acting Chairman of The Defense Nuclear Facilities Safety Board:** Memorandum re Authority of the Chairman of the Defense Nuclear Facilities Safety Board to Disclose Performance Appraisals of Senior Executive Service Employees (Reich) **dated May 21, 2015**

3. **Deputy Attorney General:** Memorandum re The Department of Justice Inspector General’s Access to Information Protected by the Federal Wiretap Act, Rule 6(e) of the Federal Rules of Criminal Procedure, and Section 626 of the Fair Credit Reporting Act **(b) (6) dated July 20, 2015**

4. **(Overvold)** **(b) (5) dated September 30, 2015**

5. **Principal Deputy Assistant Attorney General/CRT:** Memorandum re Authority to Permit Part-Time Employees to Work Regularly Scheduled Workweeks of 33 to 39 hours (Reich) **dated December 31, 2015**
LIST OF OLC OPINIONS
January 2016 through December 2016

1. (Nitze) dated January 13, 2016

2. (Reich) dated February 25, 2016

3. Principal Deputy General Counsel, DHS: Memorandum re Whether a Military Officer May Continue on Terminal Leave After He is Appointed to a Federal Civilian Position Covered by 10 U.S.C § 973(b)(2)(A) (Cicconi) dated March 24, 2016

4. General Counsel/DOT: Memorandum re Interpretation of Article 17 bis of the US-EU Air Transport Agreement (Roisman) dated April 14, 2016

5. Deputy Attorney General: Memorandum re Authority of the Department of Justice to Disclose Statutorily Protected Materials to Its Inspector General in Light of Section 540 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2016 (Reich) dated April 27, 2016

6. Counsel to the President: Memorandum re Applicability of the National Emergencies Act to Statutes That Do Not Expressly Require the President to Declare a National Emergency (Reich) dated August 24, 2016


8. (El-Khouri) dated August 26, 2016

9. (Flynn/El-Khour) dated September 29, 2016
LIST OF OLC OPINIONS
January 2017 through December 2017

1. Counsel to the President: Memorandum re Administration of the John F. Kennedy Centennial Commission (Newland) dated January 10, 2017

2. (b) (5) dated January 11, 2017

3. Acting General Counsel/HHS: Memorandum re The Authority of the Department of Health and Human Services to Pay for Private Counsel to Represent an Employee before Congressional Committees (Colborn/Shaub) dated January 18, 2017


5. Counsel to the President: Memorandum re Application of the Anti-Nepotism Statute to a President Appointment in the White House Office (b) (6) dated January 20, 2017

6. Counsel to the President: Memorandum re Appointment of United States Representative (Newland) dated March 13, 2017

7. Counsel to the President: Letter re Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch (Colborn) (b) (6) dated May 1, 2017

8. (b) (5) (Phatak) dated June 16, 2017

9. (b) (5) (Overvold) dated August 31, 2017


11. Counsel to the President: Memorandum re Designating an Acting Director of the Bureau of Consumer Financial Protection (b) (6) dated November 25, 2017
LIST OF OLC OPINIONS
January 2018 through December 2018

1. Acting General Counsel/GSA: Memorandum re Committee Resolutions Under 40 U.S.C. Section 3307(a) and the Availability of Enacted Appropriations (Guarnieri) dated January 26, 2018

2. General Counsel, OPM: Memorandum re The Department of Defense’s Authority to Conduct Background Investigations for Its Personnel (Overvold) dated February 7, 2018

3. General Counsel, MCC: Memorandum re Applicability of the Miscellaneous Receipts Act to an Arbitral Award of Legal Costs (Barber) dated March 6, 2018

4. (b)(5) dated March 19, 2018

5. Counsel to the President: Memorandum re April 2018 Airstrikes Against Syrian Chemical-Weapons Facilities (b)(6) dated May 31, 2018

6. (b)(5) (Brown) dated June 6, 2018

7. Principal Deputy Solicitor/DOI: Memorandum re The Scope of State Criminal Jurisdiction over Offenses Occurring on the Yakama Indian Reservation (b)(6) dated July 27, 2018

8. (b)(5) (b)(6) dated September 11, 2018

9. (b)(5) (b)(6) dated October 17, 2018

10. Acting AAG/Crim Div.: Memorandum re Reconsidering Whether the Wire Act Applies to Non-Sports Gambling (b)(6) dated November 2, 2018

11. Counsel to the President: Memorandum re Designating an Acting Attorney General (b)(6) dated November 14, 2018
LIST OF OLC OPINIONS
January 2019 through December 2019

1. (b) (5) (Forrester) dated February 4, 2019

2. (b) (5) (Clarke) dated February 22, 2019

3. (b) (5) (Buzzard) dated March 18, 2019