

In your responses of August 5, 2009, to my questions you explain why you would not rescind the DOJ/OLC request sent by the Treasury OGC regarding the SIGTARP. Your previous answers also establish that you believe the SIGTARP is part of the Treasury Department, that the provision of documents by the Treasury to the SIGTARP would not waive any privileges, and that neither the Treasury Secretary nor the OGC has the ability to halt an audit or investigation initiated by the SIGTARP.

- **Given these earlier responses, how will the Treasury Department utilize the formal opinion DOJ/OLC has been asked to produce?**

The career attorneys sought the opinion from DOJ/OLC in order to obtain legal guidance on the question because of a possible waiver of privileges and the authority to perform administrative tasks for SIGTARP. The administrative tasks include several matters that the Department has been providing for SIGTARP such as compliance with ethics laws and various IT laws and reporting requirements. As stated in previous responses, we have concluded that privileges would not be waived because the SIGTARP is part of the Executive Branch. Therefore, the legal opinion would provide comfort to the career attorneys on the appropriateness of providing administrative support to SIGTARP. If the legal opinion does not provide comfort to the career attorneys on these matters, the Department will, nonetheless, continue to assist the SIGTARP with its various administrative tasks but the authority to do so will be an open legal question.

- **If the DOJ/OLC determines that the SIGTARP is subject to general secretarial supervision, how will the Treasury Department respond?**

The Department will not act differently toward the SIGTARP. The career attorneys at the Department will then be reassured that the various administrative tasks that the Department handles for the SIGTARP are properly being carried out under the Secretary's authorities. If confirmed, I will help to ensure that the Department continues to cooperate fully with the SIGTARP.

- **If the DOJ/OLC determines that the SIGTARP is not subject to general secretarial supervision, how will the Treasury Department respond?**

Again, the Department will continue to assist the SIGTARP with its various administrative tasks but the authority to do so will be an open legal question.

- **What will Treasury be able to do differently if SIGTARP is subject to general Secretarial supervision that it would not be able to do if SIGTARP is not?**

I am not aware of anything that the Department would do differently. The Department has no intention of interfering with the operations of the SIGTARP. As I have stated in my previous responses, Section 3 of the Inspector General Act of 1978 does not allow the

Secretary to interfere with an audit or investigation. This will not change if the SIGTARP is subject to general Secretarial supervision. If the opinion is received, the career attorneys will be more comfortable with the Department's provision of administrative support to SIGTARP.