
As stated earlier (1) the deed of the land is in the name of the United States of America, (2) no title exists for the building, and (3) there are no documents expressly establishing ownership in any particular agency of the United States. In the absence of such documents, and in contemplation of the 1996 OTS opinion, we recognize the likelihood for issues to arise concerning the ownership and right to dispose of the property. We believe that OCC should take action in an expedient manner to resolve the ownership issue with the building.

Other Matters Identified Relating to OCC's Leasing and Management Activities

OCC's Authority to Retain Rental Income Received from Leased Space at or the Proceeds from Any Future Sale of the Former OTS Headquarters Property Is Uncertain

As discussed above, in fiscal year 2012, OCC entered into a 20-year occupancy agreement with CFPB for a portion of the former OTS headquarters building, and began receiving rental income from building tenants. According to OCC's fiscal year 2012 annual report, OCC expects to collect approximately \$12 million in rental income from the entire property, including retail tenants, during fiscal year 2013. Furthermore, OCC expects to collect future minimum rental income, including fiscal year 2013, totaling over \$272 million over the terms of the leases. Based on a consultant's study, as of February 4, 2011, the building was valued at approximately \$153.7 million.

Section 319 of the Dodd-Frank Act allows OCC to (1) enter into and perform contracts, execute instruments, and acquire real property (or property interest) as the Comptroller deems necessary to carry out the duties and responsibilities of OCC; and (2) hold, maintain, sell, lease, or otherwise dispose of the property (or property interest) acquired. However, there is a lack of specific legislative authority to retain such funds, making it unclear whether OCC is required to deposit such funds into the Treasury in