

U.S. Department of Labor

Assistant Secretary for
Congressional and Intergovernmental Affairs
Washington, D.C. 20210

RTR-019
(response to TR-019)



APR 15 2010

The Honorable John Kline
Ranking Member
Health, Education, Labor and
Pensions Subcommittee
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kline:

Thank you for your letter inquiring about the Department of Labor's interactions with the Association of Community Organizations for Reform Now (ACORN). The Department is pleased to provide a response to your inquiry as a courtesy to you as the Ranking Member on the Education and Labor Committee.

With respect to your request for any communication between the Department and ACORN between January 21, 2009 and the present, enclosed please find documents from the files of the Wage and Hour Division that are within the scope of your request. They are related to an investigation the Division conducted regarding an allegation of a violation of the Fair Labor Standards Act.

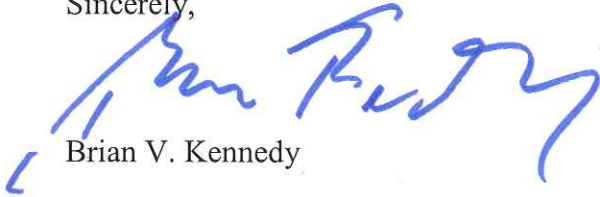
You also requested information regarding any funds provided to ACORN by the Department or any contracts, grants or other agreements between the Department and ACORN. We are not aware of any contract or grant awarded by the Department to ACORN or any of its affiliates, subsidiaries, or allied organizations or any information or documents responsive to your request.

Finally, you asked for information regarding the steps that the Department has taken to comply with section 163 of Division B of Public Law No. 111-68, which prohibits any funds available under the Continuing Appropriations Resolution for Fiscal Year 2010 or under prior Acts from being provided to ACORN or any of its affiliates, subsidiaries, or allied organizations. The Office of the Assistant Secretary for Administration and Management issued guidance to the Department's Agency Heads and contracting staff regarding the implementation of these statutory restrictions (copy enclosed). In addition, the Employment and Training Administration issued Training and Employment Guidance Letter (TEGL) No. 8-09 and Training and Employment Notice (TEN) No. 21-09 regarding implementation of these statutory restrictions (copy enclosed) and sent letters to ETA's grantees and contractors (example enclosed). Finally, the Occupational Safety and Health Administration sent guidance to each of its grant recipients regarding implementation of these statutory restrictions (copy enclosed).¹ Following the

¹ The Department notes that Section 163 expired when the continuing resolution expired. On March 10, 2010, the United States District Court for the Eastern District of New York permanently enjoined

implementation of this guidance, the Department has found no contracts or grants with ACORN or any of its affiliates, subsidiaries, or allied organizations.

Sincerely,



Brian V. Kennedy

Enclosure

Management and Budget guidance, Memorandum 10-16, on that ruling [http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-12.pdf] until an April 2 decision of the U.S. Court of Appeals for the Second Circuit. The latter court issued a temporary stay of the March 10 injunction. Documents attached to this letter reflect the Department's responses to these legal developments. As of today, the ACORN funding prohibition is in effect at the Department.

Fax

To: C. Lott

589-4751

From: M. Green

phone - 504-267-3782

Re:

final check

Copy attached

AAU LEAP III
2609 Canal Street, 4th Floor
New Orleans, LA 70119

Writter National Bank
P.O. Box 61280
New Orleans Louisiana 70130

Check No: 0323

Check Date: November 17, 2009

Amount: ***4,884.00

Pay ***** FOUR THOUSAND EIGHT HUNDRED EIGHTY FOUR AND 0/100 DOLLARS

To The
Order Of:

RE: _____
Void After 180 days
Your Signature Here



Acorn Associates, Inc.

Vendor No:

November 17, 2009

Vendor Name:

Check No: 0323

Reference	Invoice Date	Gross Amount	Discount Taken	Net Amount Paid
AUG24-OCT. 09,2009	11/16/09	4,884.00		4,884.00

Totals :		4,884.00		4,884.00
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From: Veatch, Valerie - OASAM

Sent: Friday, December 11, 2009 3:21 PM

To: Andry, Carol - OASAM; Aumand, William - OIG; Callan, James - OASAM; Ford, Pamela M - OWCP; Goodwin, Rose A - MSHA; Moore, Aleisha - MSHA; Nester, Stephen G - OWCP; Smith, Mindy L - MSHA; Stith, Jenell - OWCP; Wenzel, Christina - SOL ; Wyandt, Julie A - MSHA; zzDOL-ADMIN-OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP; zzOASAM-REGIONAL-ADMINS GROUP; zzOASAM-RO-RASO GROUP; Beaty, Robert - MSHA; Bowman, Ed - ETA; Collier, Paulette N - MSHA; Cooper, Darrell - MSHA; Cosminski, Stephen - OASAM; Coyne, Tom - ETA; Dale, Barry - ETA; Daniels, Lorraine - ETA; Desmond, Susan - ETA; Foster, Sandra - OASAM; Harris, Willie - ETA; Holden, Richard - BLS; Kinslow, James - BOC; Martin, Felicia - ETA; McCrae, Irving - MSHA; McSweeney, Denis - BLS; Miller, Leo - ETA; Mitchell, Cassandra - OASAM; Mousa, Jay - BLS; Oborski, Pavlo - OSHA; Pizarro, Maria - OASAM; Poogach, Robert - OSHA; Rankin, Janet - BLS; Rhodes, Melvin - OSHA CTR; Miller-Sheelor, Paula - OIG; Stockton, James - ETA; Suchman, Stan - BLS; Tello, Fred - ETA; Zawatsky, Rich - ETA JC CTR; Watkins, Sheila - BLS; Watson, Laura P - ETA; Williams, Arlene - OSHA; Algee, Sheryl - OASAM; Barton, Karen - BLS; Blizzard, Janet E - MSHA; Boyd, Helen - OASAM; Brinson, Brandi M - MSHA; Bynum, Linda - OASAM; Cardenas, Paul - OASAM; Chang, Chin-Jen - OASAM; Davis, Donna M - OASAM; DeCeasar, Charlie D. - OASAM; Dela Cerna, Marissa - OASAM ; Franco, Lizzie - OASAM; Gantt, Joan - BLS; Ghee, Sharon - OASAM; Gloster, Monica - OASAM ; Hampton, Katheryn Ann - MSHA; Hardy, Judy - OASAM; Higginbotham, Peter - OASAM; Holmes, Bernice - OASAM; Intrepidi, Lynn - ETA; Jefferson, Thomas - BLS; Jenkins, Carol - BOC; Jordan, Ronald - OASAM; Kha, Binh - OASAM; Lazarski, Robert - OASAM; LeMay, Heather - ETA; Magruder, Chari - ETA; Matz, Jillian - ETA; Mccray, Kim - OASAM; McKinney, Calvin - OASAM; Miller-Sheelor, Paula - OIG; Morales, Linda - OASAM; Morrissey, Denise - OASAM; Nye, Jeffrey R - OWCP; Och, William C - MSHA; Owens, Lynn - OASAM; Pendleton, Edmond - OASAM; Perkins, Sandra - OASAM; Reynolds, Debra - OASAM; Saylor, Jeffrey - ETA; Schwartz, Gary - OASAM; Scott, Jo D - MSHA; Semansky, Joseph - ETA; Sizemore, Rhonda J - MSHA; Snook, Jennifer - OASAM; Spillman, Linda - OASAM; Stein, Tova - OASAM; Stevens, William - OASAM ; Thompson, Sheila - OASAM; Thomsen, Gail - OASAM; Veatch, Valerie - OASAM; Vogt, F. Eric - BLS; Wilson, Jacqueline - ETA; Worrells, Deborah W - MSHA; Berry, Brenda - OPA; Breitenbach, Catherine F - WB; Brown, Cindy L - OASAM; Daniels, Joycelyn - OCIA; DeBusk, Thomas - OSEC; Falk, Mark - OASAM; Fernandez, Rafael - ILAB; Fox, Michelle - OASAM; Freeman, Angela - VETS; Furia, Karen - WB; Harding, Sarah G. - OPA; Harper, Jackie - OSHA; Hatcher, LaShawn - EBSA; Hayes, Pamela - ASP; Kelb, Evelyn - OASAM; Lefever, Gregory - OASAM; Lira, Jose - OSBP; Lorman, Darlene - OASAM; Lowe, Joyce - OASAM; Lynch, Kelly - ETA; Mars, Joan - OALJ; Zawatsky, Rich - ETA JC CTR; Mathis, Annie - SOL; McDonnell, Brian - EBSA; Nicks, Ericka - OASAM; Pettit, Kelley - OASAM; Reinheimer, Rachel - OASAM ; Richards, Robert - OASAM; Robinson, Cheryl A. - OSHA; Ruffin, Vivian - OFCCP; Soto, P.J. - OALJ; Sullivan, Francesca - OASAM; Sullivan, Susan - OASAM; Zawatsky, Rich - ETA JC CTR; Ward, Diane - ILAB; Ward, Edmund - OASAM; Wilner, Jennifer - OASAM; Berrington, Emily - BLS; Perez, Angel - BLS

Subject: Revised: Contracting Officer /Grants Officers/Purchase Card Holder Notice 2010-01 Regarding ACORN

REVISED

**Contracting Officer /Grants Officers/Purchase Card Holder Notice 2010-01
Regarding the Association of Community Organizations for Reform Now**

In response to inquiries we have received concerning the identity of ACORN affiliates and subsidiaries that are subject to the restrictions of the Continuing Resolution, there is no official Congressional or other U.S. government list of such entities. The list that was

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attached to our prior email was an unofficial list compiled by minority staff of the House Committee on Oversight and Government Reform, and is not authoritative or definitive in any way.

For ease of reference, the original message is attached, without the unofficial list.

From: Haywood, Krista - OASAM CTR

Sent: Tuesday, October 13, 2009 12:09 PM

To: Andry, Carol - OASAM; Aumand, William - OIG; Callan, James - OASAM; Ford, Pamela M - ESA; Goodwin, Rose A - MSHA; Moore, Aleisha - MSHA; Nester, Stephen G - ESA; Smith, Mindy L - MSHA; Stith, Jenell - ESA; Wenzel, Christina - SOL ; Wyandt, Julie A - MSHA; zzDOL-ADMIN-OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP; zzOASAM-REGIONAL-ADMINS GROUP; zzOASAM-RO-RASO GROUP; BLS REGIONAL ADMIN STAFF; Beaty, Robert - MSHA; Bowman, Ed - ETA; Collier, Paulette N - MSHA; Cooper, Darrell - MSHA; Cosminski, Stephen - OASAM; Coyne, Tom - ETA; Dale, Barry - ETA; Daniels, Lorraine - ETA; Danley, Isabel - ETA; DeLuca, James - ETA; Desmond, Susan - ETA; Foster, Sandra - OASAM; Gaddie, Robert - BLS; Harris, Willie - ETA; Holden, Richard - BLS; Jenkins, Carol - OIG; Kinslow, James - BOC; Martin, Felicia - ETA; McCrae, Irving - MSHA; McSweeney, Denis - BLS; Miller, Leo - ETA; Mitchell, Cassandra - OASAM; Mousa, Jay - BLS; Oborski, Pavlo - OSHA; Pizarro, Maria - OASAM; Poogach, Robert - OSHA; Rankin, Janet - BLS; Rhodes, Lynn - ETA; Sheelor, Paula - OASAM; Stockton, James - ETA; Suchman, Stan - BLS; Tello, Fred - ETA; tt- 10/1/2009 -Harvey, Lisa - OASAM; Watkins, Sheila - BLS; Watson, Laura P - ETA; Williams, Arlene - OSHA; Algee, Sheryl - OASAM; Barton, Karen - BLS; Blizzard, Janet E - MSHA; Boyd, Helen - OASAM; Brinson, Brandi M - MSHA; Bynum, Linda - OASAM; Cardenas, Paul - OASAM; Chang, Chin-Jen - OASAM; Davis, Donna M - OASAM; DeCeasar, Charlie D. - OASAM; Dela Cerna, Marissa - OASAM ; Franco, Lizzie - OASAM; Gantt, Joan - BLS; Ghee, Sharon - OASAM; Gloster, Monica - OASAM ; Hampton, Katheryn Ann - MSHA; Hardy, Judy - OASAM; Higginbotham, Peter - OASAM; Holmes, Bernice - OASAM; Intrepidi, Lynn - ETA; Jefferson, Thomas - BLS; Jenkins, Carol - BOC; Jordan, Ronald - OASAM; Kha, Binh - OASAM; Lazarski, Robert - OASAM; LeMay, Heather - ETA; Magruder, Chari - ETA; Matz, Jillian - ETA; Mccray, Kim - OASAM; McKinney, Calvin - OASAM; Miller-Sheelor, Paula - OIG; Morales, Linda - OASAM; Morrissey, Denise - OASAM; Nye, Jeffrey R - ESA; Och, William C - MSHA; Owens, Lynn - OASAM; Pendleton, Edmond - OASAM; Perkins, Sandra - OASAM; Reynolds, Debra - OASAM; Saylor, Jeffrey - ETA; Schwartz, Gary - OASAM; Scott, Jo D - MSHA; Semansky, Joseph - ETA; Sizemore, Rhonda J - MSHA; Snook, Jennifer - OASAM; Spillman Linda - OASAM; Stein, Tova - OASAM; Stevens, William - OASAM ; Thompson, Sheila - OASAM; Thomsen, Gail - OASAM; Veatch, Valerie - OASAM; Vogt, F. Eric - BLS; Wilson, Jacqueline - ETA; Worrells, Deborah W - MSHA; Berry, Brenda - OPA; Breitenbach, Catherine F - WB; Brown, Cindy L - OASAM; Daniels, Joycelyn - OCIA; DeBusk, Thomas - OSEC; Falk, Mark - OASAM; Fernandez, Rafael - ILAB; Fox, Michelle - OASAM; Freeman, Angela - VETS; Furia, Karen - WB; Harding, Sarah G. - OPA; Harper, Jackie - OSHA; Hatcher, LaShawn - EBSA; Hayes, Pamela - ASP; Kelb, Evelyn - OASAM; Lefever, Gregory - OASAM; Lira, Jose - OSBP; Lorman, Darlene - OASAM; Lowe, Joyce - OASAM; Lynch, Kelly - ETA; Mars, Joan - OALJ; Marsh, Amanda - BLS; Mathis, Annie - SOL; McDonnell, Brian - EBSA; Nicks, Ericka - OASAM; Pettit, Kelley - OASAM; Reinheimer, Rachel - OASAM ; Richards, Robert - OASAM; Robinson, Cheryl A. - OSHA; Ruffin, Vivian - ESA; Soto, P.J. - OALJ; Sullivan, Francesca - OASAM; Sullivan, Susan - OASAM; Vezzetti, Paul - OASAM; Ward, Diane - ILAB; Ward, Edmund - OASAM; Wilner, Jennifer - OASAM

Subject: Contracting Officer/Grants Officer/Purchase Card Holder Notice Regarding ACORN

Contracting Officer /Grants Officers/Purchase Card Holder Notice 2010-01
Regarding the Association of Community Organizations for Reform Now

Congress has enacted a prohibition against providing funding to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations (see attached list), as spelled out in the guidance memo available on line at

http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf.

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The prohibition applies to current funding as well as to past funding which has not yet been obligated on contracts or grants, and applies the restriction to subcontracts and subrecipients.

This requires the DOL take three specific steps relating to new awards and current actions.

New awards - There are no exceptions to this prohibition; therefore, any planned procurement or grant should be reviewed to ensure funding is not issued to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations. All new awards shall be modified to incorporate the following:

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009 to provide guidance to Executive Branch agencies regarding the implementation of section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68 (CR), that no funding applied to this action shall be provided to Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations through Federal grantees or contractors.

Current Contracts with the Prohibited Sources - We are unaware of any contract or grant awarded by the Department of Labor to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

- As far as we can establish, this organization is not registered in CCR and does not appear to have a DUNS - and therefore should not be the recipient of any DOL contract.
- A review of our online systems does not show any grants awarded to this organization.

If you're aware of any contractual or grant relationship currently existing with this organization or any of its affiliates, subsidiaries, or allied organizations, please advise the DOL Solicitor's Office and Office of Acquisition Management Services immediately of your plans to implement the required actions specified in the memo.

ALL Current Contracts and Grants - In addition, we are required to advise all Federal grant and contract recipients (a) not to provide Federal funds to ACORN or its affiliates as subgrantees, subcontractors or other subrecipients, consistent with this guidance, and (b) to require them to notify DOL of any existing subgrants, subcontracts or other subrecipient agreements with ACORN or its affiliates and of how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. All contracting offices and grants offices shall develop a plan to disseminate the following information to grantees and contractors.

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT OFFICE OF

MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009 to provide guidance to Executive Branch agencies regarding the implementation of section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68 (CR), that they shall not award or obligate Federal funds to the Association of Community Organizations for Reform Now (ACORN) and/or its affiliates. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee). In the event you have an active grant or contract that provides DOL funding to ACORN or any of its affiliates, subsidiaries, or allied organizations, you are required to notify DOL of such existing subgrants, subcontracts or other subrecipient agreements with ACORN or its affiliates and provide a discussion of how you will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer, in writing.

The following 361 entities compose the ACORN COUNCIL

- 1 Association of Community Organizations for Reform Now ("ACORN")
- 2 ACORN National Office: Brooklyn, NY
- 3 ACORN Bronx, NY
- 4 ACORN Brooklyn, NY
- 5 ACORN Buffalo, NY
- 6 ACORN Hempstead, NY
- 7 ACORN HOUSING CORPORATION Brooklyn, NY
- 8 PROJECT VOTE Brooklyn, NY
- 9 MHANY Brooklyn, NY
- 10 ACORN National Office: Washington, D.C.
- 11 ACORN Washington, DC
- 12 ACORN HOUSING CORPORATION Washington, DC
- 13 ACORN Political 1334 G St, NW Suite B Washington, DC 20005
- 14 AISJ Washington, DC
- 15 ACORN National Office: Little Rock, AR
- 16 ACORN Pine Bluff, AR
- 17 ACORN Housing Corporation Little Rock, AR
- 18 ACHC Little Rock, AR
- 19 ANP Little Rock, AR
- 20 PROJECT VOTE Little Rock, AR
- 21 KABF Little Rock, AR
- 22 SEIU LOCAL 100 Little Rock, AR 72206
- 23 ACORN National Office: Phoenix, AZ
- 24 ACORN Glendale, AZ
- 25 ACORN Mesa, AZ
- 26 ACORN Tucson, AZ
- 27 ACORN Housing Corporation Phoenix, AZ
- 28 ACORN National Office: Dallas, TX
- 29 ACORN Arlington, TX
- 30 ACORN Dallas, TX
- 31 ACORN El Paso, TX
- 32 ACORN Ft. Worth, TX
- 33 ACORN Houston, TX
- 34 ACORN Irving, TX
- 35 ACORN San Antonio, TX
- 36 ACORN Research Dallas, TX
- 37 ACORN HOUSING CORPORATION Dallas, TX
- 38 ACORN HOUSING CORPORATION Houston, TX
- 39 ACORN HOUSING CORPORATION San Antonio, TX
- 40 AGAPE Dallas, TX
- 41 SEIU LOCAL 100 Corpus Christi, TX
- 42 SEIU LOCAL 100 Dallas, TX
- 43 SEIU LOCAL 100 Houston, TX
- 44 SEIU LOCAL 100 San Antonio, TX
- 45 ACORN National Office: Boston, MA
- 46 ACORN Boston, MA
- 47 ACORN Brockton, MA
- 48 ACORN Springfield, MA
- 49 ACORN HOUSING CORPORATION Boston, MA
- 50 ACORN HOUSING CORPORATION Springfield, MA
- 51 ACORN National Office: New Orleans, LA
- 52 ACORN Baton Rouge, LA
- 53 ACORN Lake Charles, LA
- 54 ACORN New Orleans, LA
- 55 ACORN HOUSING CORPORATION New Orleans, LA
- 56 Louisiana ACORN Fair Housing Organization New Orleans, LA
- 57 ALERT New Orleans, LA

- 58 AISJ New Orleans, LA
- 59 SEIU LOCAL 100 Baton Rouge, LA
- 60 SEIU LOCAL 100 Lake Charles, LA
- 61 SEIU LOCAL 100 New Orleans, LA
- 62 SEIU LOCAL 100 Shreveport, LA
- 63 HOTROC New Orleans, LA
- 64 ACORN Bay Point, CA
- 65 ACORN Fresno, CA
- 66 ACORN Los Angeles, CA
- 67 ACORN Oakland, CA
- 68 ACORN Sacramento, CA
- 69 ACORN San Bernardino, CA
- 70 ACORN San Diego, CA
- 71 ACORN San Francisco, CA
- 72 ACORN San Jose, CA
- 73 ACORN Santa Ana, CA
- 74 ACORN HOUSING CORPORATION Fresno, CA
- 75 ACORN HOUSING CORPORATION Los Angeles, CA
- 76 ACORN HOUSING CORPORATION Oakland, CA
- 77 ACORN HOUSING CORPORATION Sacramento, CA
- 78 ACORN HOUSING CORPORATION San Diego, CA
- 79 ACORN HOUSING CORPORATION San Jose, CA
- 80 ACORN HOUSING CORPORATION Santa Ana, CA
- 81 ACORN Aurora, CO
- 82 ACORN Denver, CO
- 83 ACORN HOUSING CORPORATION Denver, CO
- 84 ACORN Bridgeport, CT
- 85 ACORN Hartford, CT
- 86 ACORN Waterbury, CT
- 87 ACORN HOUSING CORPORATION Bridgeport, CT
- 88 ACORN HOUSING CORPORATION New Haven, CT
- 89 ACORN 408 East 8th St. Wilmington, DE
- 90 ACORN Ft. Lauderdale, FL
- 91 ACORN Hialeah, FL
- 92 ACORN Jacksonville, FL
- 93 ACORN Lake Worth, FL
- 94 ACORN Miami, FL
- 95 ACORN Orlando, FL
- 96 ACORN St. Petersburg, FL
- 97 ACORN c/o the Progressive Center Tallahassee, FL
- 98 ACORN Tampa, FL
- 99 ACORN HOUSING CORPORATION Miami, FL
- 100 ACORN HOUSING CORPORATION Orlando, FL
- 101 Floridians For All Miami, FL
- 102 ACORN Atlanta, GA
- 103 ACORN HOUSING CORPORATION Atlanta, GA
- 104 ACORN Honolulu, HI
- 105 ACORN Chicago, IL
- 106 ACORN Springfield, IL
- 107 ACORN HOUSING CORPORATION Chicago, IL
- 108 ACORN HOUSING CORPORATION of IL
- 109 SEIU LOCAL 880 Chicago, IL
- 110 SEIU LOCAL 880 East St. Louis, IL
- 111 SEIU LOCAL 880 Harvey, IL
- 112 SEIU LOCAL 880 Peoria, IL
- 113 SEIU LOCAL 880 Rock Island, IL
- 114 SEIU LOCAL 880 Springfield, IL
- 115 ACORN Indianapolis, IN

- 116 ACORN IA
- 117 Peace and Social Justice Center of South Central Kansas Wichita, KS
- 118 ACORN Louisville, KY
- 119 ACORN Baltimore, MD
- 120 ACORN Hyattsville, MD
- 121 ACORN HOUSING CORPORATION Baltimore, MD
- 122 ACORN Detroit, MI
- 123 ACORN HOUSING CORPORATION Detroit, MI
- 124 Edison Neighborhood Center Kalamazoo, MI
- 125 ACORN St. Paul, MN
- 126 ACORN HOUSING CORPORATION St. Paul, MN
- 127 ACORN Financial Justice Center St. Paul, MN
- 128 ACORN Kansas City, MO
- 129 ACORN St. Louis, MO
- 130 ACORN HOUSING CORPORATION Kansas City, MO
- 131 ACORN HOUSING CORPORATION St. Louis, MO
- 132 SEIU LOCAL 880 East St. Louis, MO
- 133 SEIU LOCAL 880 St. Louis, MO
- 134 ACORN Jersey City, NJ
- 135 ACORN Newark, NJ
- 136 ACORN Paterson, NJ
- 137 ACORN HOUSING CORPORATION Jersey City, NJ
- 138 ACORN Albuquerque, NM
- 139 ACORN Las Cruces, NM
- 140 ACORN HOUSING CORPORATION Albuquerque, NM
- 141 ACORN Charlotte, NC
- 142 ACORN Cincinnati, OH
- 143 ACORN Cleveland, OH
- 144 ACORN Columbus, OH
- 145 ACORN Toledo, OH
- 146 Lagrange Village Council Toledo, OH
- 147 ACORN Portland, OR
- 148 ACORN HOUSING CORPORATION Portland, OR
- 149 ACORN Allentown, PA
- 150 ACORN Harrisburg, PA
- 151 ACORN Philadelphia, PA
- 152 ACORN Pittsburgh, PA
- 153 ACORN HOUSING CORPORATION Philadelphia, PA
- 154 ACORN HOUSING CORPORATION Philadelphia, PA
- 155 ACORN HOUSING CORPORATION Pittsburgh, PA
- 156 ACORN Providence, RI
- 157 ACORN HOUSING CORPORATION Providence, RI
- 158 ACORN Memphis, TN 38104
- 159 ACORN Norfolk, VA
- 160 ACORN Richmond, VA
- 161 ACORN Burien, WA
- 162 ACORN Milwaukee, WI
- 163 ACORN HOUSING CORPORATION Milwaukee, WI
- 164 ACORN Beverly, L.L.C.
- 165 ACORN Center for Housing, Inc.
- 166 Arkansas Community Housing Corporation
- 167 ACORN Community Land Association, Inc.
- 168 ACORN Community Land Association Albuquerque NM
- 169 ACORN Community Land Association of Louisiana Baltimore MD
- 170 ACORN Community Land Association of Louisiana New Orleans LA
- 171 ACORN Community Land Association of Pennsylvania, Inc.
- 172 ACORN Community Land Association of IL.
- 173 ACORN Community Labor Organizing Center, Inc.

174 ACORN Fair Housing, A Project Of American Institute Washington DC
175 Arkansas ACORN Fair Housing, Inc.
176 New Mexico ACORN Fair Housing Albuquerque NM
177 ACORN Fair Housing Washington DC
178 ACORN Housing 1 Associates, LP (limited partnership)
179 ACORN Housing 2 Associates, LP (limited partnership)
180 ACORN Housing 2, Inc.
181 ACORN Housing Affordable Loans, LLC
182 ACORN Housing Corporation, Inc.
183 Desert Rose Homes, L.L.C.
184 Franklin ACORN Housing, Inc.
185 Mott Haven ACORN Housing Development Fund
186 Mutual Housing Association of New York, Inc.
187 New Orleans Community Housing Organization, Inc.
188 ACORN Community Land Association of Illinois
189 Massachusetts ACORN Housing Corporation
190 Broad Street Corporation
191 Elysian Fields Corporation
192 ACORN 2004 Housing Development Fund Corporation
193 ACORN 2005 Housing Development FUND CORPORATION
194 ACORN Dumont-Snediker Housing Development Fund Corporation
195 Dumont Avenue Housing Development Fund
196 Elysian Fields Partnership
197 Fifteenth Street Corporation
198 New York ACORN Housing Company Inc
199 Development Fund Corporation
200 New York Organizing and Support Center, Inc
201 Baltimore Organizing and Support Center, Inc.
202 Chicago Organizing and Support Center, Inc.
203 Houston Organizing and Support Center, Inc.
204 5301 McDougall Corporation
205 New Mexico Organizing and Support Center, Inc.
206 New York Organizing and Support Center, Inc.
207 Phoenix Organizing and Support Center, Inc.
208 385 Palmetto Street Housing Development Fund Corporation
209 Sixth Avenue Corporation
210 4415 San Jacinto Street Corporation
211 St. Louis Organizing and Support Center, Inc.
212 St. Louis Tax Reform Group, Inc.
213 Greenwell Springs Corporation
214 Austin Organizing and Support Center, Inc.
215 Boston Organizing and Support Center, Inc.
216 American Home Day Care Workers Association, Inc.
217 American Workers Association
218 Baton Rouge Association of School Employees, Inc.
219 Hospitality Hotel and Restaurant Organizing Council
220 Illinois Home Child Care Workers Association, Inc.
221 Labor Link, Inc.
222 Labor Neighbor Research and Training Center, Inc.
223 Missouri Home Child Care Workers Association, Inc.
224 Middle South Home Day Care Workers Association, Inc.
225 Wal-Mart Alliance for Reform Now, Inc.
226 Wal-Mart Association for Reform Now
227 Working Families Association, Inc.
228 Wal-Mart Workers Association, Inc.
229 People Organizing Workfare Workers/ACORN/CWA, Inc. Workers/ACORN/
230 Texas United City-County Employees, Inc.
231 Texas United School Employees, Inc.

- 232 United Labor Foundation of Greater New Orleans, Inc.
- 233 United Security Workers of America
- 234 Orleans Criminal Sheriffs
- 235 SEIU Local 100
- 236 SEIU Local 880
- 237 Arkansas Broadcasting Foundation, Inc.
- 238 Agape Broadcasting Foundation, Inc.
- 239 Affiliated Media Foundation Movement, Inc.
- 240 Allied Media Projects, Inc.
- 241 ACORN National Broadcasting Network, Inc.
- 242 Alabama Radio Movement, Inc. (Dissolved)
- 243 ACORN Television in Action for Communities, Inc.
- 244 California Community Television Network
- 245 Flagstaff Broadcasting Foundation, Inc.
- 246 Iowa ACORN Broadcasting Corporation
- 247 Maricopa Community Television Project, Inc.
- 248 Montana Radio Network, Inc.
- 249 Radio New Mexico, Inc.
- 250 Shreveport Community Television, Inc.
- 251 Crescent City Broadcasting Corporation
- 252 KABF Radio
- 253 KNON Radio
- 254 ACORN Institute, Inc.
- 255 ACORN Institute Inc. Washington DC
- 256 ACORN Institute Dallas TX
- 257 ACORN Institute Inc. New Orleans LA
- 258 American Institute for Social Justice, Inc.
- 259 Association for Rights of Citizens, Inc.
- 260 New York Agency for Community Affairs, Inc.
- 261 Pennsylvania Institute for Community Affairs, Inc.
- 262 Project Vote/Voting for America, Inc.
- 263 ACORN Tenant Union Training & Organizing Project, Inc.
- 264 ACORN Law for Education Representation & Training, Inc.
- 265 American Environmental Justice Project, Inc.
- 266 ACORN International, Inc.
- 267 Environmental Justice Training Project, Inc.
- 268 Movement for Economic Justice, Education & Training Center, Inc.
- 269 Missouri Tax Justice Research Project, Inc.
- 270 ACORN Beneficial Association, Inc.
- 271 ACORN Canada
- 272 ACORN Children's Beneficial Association, Inc.
- 273 ACORN Campaign to Raise the Minimum Wage, Inc.
- 274 ACORN Cultural Trust, Inc.
- 275 ACORN Dual Language Community Academy
- 276 ACORN Fund, Inc.
- 277 ACORN Foster Parents, Inc.
- 278 ACORN Institute Canada
- 279 ACORN Political Action Committee, Inc.
- 280 ACORN Tenants' Union, Inc.
- 281 Community Training for Environmental Justice, Inc.
- 282 Connecticut Working Families
- 283 Democracy for America
- 284 Hammurabi Fund, Inc.
- 285 McLellan Multi-Family Corporation
- 286 Metro Technical Institute, Inc.
- 287 New Party National Committee, Inc.
- 288 Volunteers for America, Inc.
- 289 Volunteers for California, Inc.

290 Volunteers for Missouri, Inc.
291 ACORN Management Corporation
292 Associated Regional Maintenance Systems
293 ACORN Associates, Inc.
294 ACORN Associates Inc. Albuquerque NM
295 ACORN Campaign Services, Inc.
296 ACORN Services, Inc.
297 Citizens Consulting, Inc.
298 Chief Organizer Fund, Inc.
299 Citizens Services, Inc.
300 People's Equipment Resource Corporation, Inc.
301 National Center for Jobs & Justice
302 Service Workers Action Team
303 Living Wage Resource Center
304 American Home Childcare Providers Association
305 Association for the Rights of Citizens Inc
306 California Community Network
307 Child Care Providers for Action Franklin
308 Citizens Action Research Project
309 Citizens Campaign for Work, Living Wage & Labor Peace
310 Citizens for Future Progress
311 Citizens Campaign for Finance Reform
312 Floridians for All PAC
313 Greenville Community Charter School Inc
314 Student Minimum Wage Action Campaign
315 Site Fighters
316 Social Policy
317 Southern Training Center
318 ACORN Votes
319 Communities Voting Together
320 Arkansas ACORN Political Action Committee
321 Arkansas New Party
322 California APAC
323 Citizens for April Troope
324 Colorado Organizing and Support Center, Inc.
325 Citizens Campaign for Fair Work
326 Citizens Services Society, Inc.
327 Clean Government APAC
328 Community Voices Together
329 Community Real Estate Processing, Inc.
330 Council Beneficial Association
331 Council Health Plan
332 Desert Rose Homeowners' Association
333 District of Columbia APAC
334 Friends of Wendy Foy
335 Illinois APAC
336 Illinois New Party
337 Institute for Worker Education
338 Jefferson Area Public Employees
339 Jefferson Area School Employees
340 Local 100 Health & Welfare Fund
341 Local 100 Political Action Committee
342 Local 100 Retirement Fund
343 Local 880 PAC
344 Local 880 Political PAC
345 Louisiana APAC
346 Maryland APAC
347 Massachusetts APAC

- 348 Missouri APAC
- 349 Mutual Housing Association of New York Neighborhood Restore
- 350 Neighbors for Arthelia Ray
- 351 Neighbors for Maria Torres
- 352 Neighbors for Ted Thomas
- 353 New Mexico APAC
- 354 New Orleans Campaign for Living Wage Committee
- 355 New York APAC
- 356 Oregon APAC
- 357 Orleans Criminal Sheriffs Workers Organization, Inc.
- 358 Pennsylvania APAC
- 359 Progressive Houston
- 360 Progressive St. Louis
- 361 Rhode Island APAC

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION
	CORRESPONDENCE SYMBOL OPDR
	DATE October 19, 2009

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 8-09

TO: ALL STATE WORKFORCE AGENCIES
 ALL STATE WORKFORCE LIAISONS
 STATE WORKFORCE ADMINISTRATORS
 STATE AND LOCAL WORKFORCE INVESTMENT BOARDS
 ONE-STOP CAREER CENTER SYSTEM LEADS
 ALL DIRECT ETA GRANT AND CONTRACT RECIPIENTS

FROM: JANE OATES /s/
 Assistant Secretary

SUBJECT: Guidance on Section 163 of the Continuing Resolution Regarding the Association of Community Organizations for Reform Now (ACORN)

1. Purpose. To provide guidance on compliance with the requirements of Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68 regarding the Association of Community Organizations for Reform Now (ACORN).

- 2. References.**
- Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68
 - Memorandum for the Heads of Executive Departments and Agencies (M-10-02): Guidance on section 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN)

3. Guidance. Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68 states:

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

RESCISSIONS None	EXPIRATION DATE Continuing
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4. Action Requested. All recipients and sub-recipients of Federal funds made available by the Employment and Training Administration (ETA) through grant awards, contracts, cooperative agreements, agreements, memoranda of understanding, or any other method of procurement, hereinafter also referred to as “direct or indirect recipient(s) of Federal funds from ETA,” must immediately commence all necessary and appropriate steps to comply with Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68. This includes the following:

- a. No Future Obligation of Funds. No direct or indirect recipient of Federal funds from ETA may obligate Federal funds to ACORN or any of its affiliates, subsidiaries, or allied organizations (collectively “affiliates”) during the period of the Continuing Resolution (CR). To the extent a direct or indirect recipient of Federal funds from ETA has determined that Federal funds should be obligated to provide funds to ACORN or its affiliates but has not yet entered into any agreement to provide such funds to ACORN or any of its affiliates, the direct or indirect recipient of Federal funds from ETA may not enter into any such agreement to do so.

As section 163 makes clear, its prohibition applies not only to the funding that is made available by the CR, but also to the funding that was made available by previously enacted statutes. In addition, the text of Section 163 is sufficiently broad to cover funding that was made available for fiscal year (FY) 2009 and prior fiscal years, as well as funding that will be made available for FY 2010. As such, no direct or indirect recipient of Federal funds from ETA may enter into any agreement to provide Federal funds to ACORN or any of its affiliates during the period that this Training and Employment Guidance Notice is effective.

- b. Suspension of grant and contractual payments. Direct or indirect recipients of Federal funds from ETA who have existing Federally-funded grant agreements, sub-grant agreements, contracts, sub-contracts, cooperative agreements, agreements, memoranda of understanding, or any other kind of procurement or funding instrument with ACORN or its affiliates must 1) where permissible, immediately suspend performance of any obligations under such agreement, including suspension of the payment of Federal funds; and 2) consult promptly with legal counsel and ETA concerning the legal considerations that bear on the performance of such obligations under the procurement or funding instrument. Direct or indirect recipients of Federal funds from ETA who have existing Federally-funded grant agreements, sub-grant agreements, contracts, sub-contracts, cooperative agreements, agreements, memoranda of understanding, or any other kind of procurement or funding instruments with ACORN or its affiliates must also immediately provide their Federal Project Officer with a written report describing: 1) the nature and purpose of the procurement or funding instrument; 2) the date upon which it was executed and the originally planned duration; 3) the dollar value of the procurement or funding instrument and the amount which had been disbursed; 4) a description of the statement of work and/or deliverable; 5) the date upon which the procurement or funding instrument

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was suspended or terminated pursuant to this guidance; and 6) a description of any other steps taken to comply with the Public Law No. 111-68 Section 163 prohibition.

- c. Direct or indirect recipients of Federal funds from ETA shall require all of their sub-recipients and sub-grantees to comply with the requirements described in this guidance, shall immediately provide guidance to their sub-recipients and sub-grantees on compliance with these requirements, and shall immediately modify sub-recipient and sub-grantee agreements to incorporate the requirements described in this guidance.

5. Inquiries. Direct questions to the Federal Project Officer designated in the grant or contract agreement.

6. Attachments.

- Attachment 1: Memorandum for the Heads of Executive Departments and Agencies (M-10-02): Guidance on section 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN)
- Attachment 2: Listing of Organizational Names for Association of Community Organization for Reform Now (ACORN) and Affiliates, Subsidiaries, and Allied Organizations



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

October 7, 2009

M-10-02

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Peter R. Orszag
Director

A handwritten signature in black ink, appearing to be "P. Orszag", written over the printed name of the Director.

SUBJECT: Guidance on section 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN)

This memorandum provides guidance to Executive Branch agencies regarding the implementation of section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68 (CR), which states:

SEC. 163. None of the funds made available by this joint resolution or any prior Act may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations.

Your agency must immediately commence all necessary and appropriate steps to comply with section 163. This includes the following:

- **No future obligations of funds.** No agency or department should obligate or award any Federal funds to ACORN or any of its affiliates, subsidiaries or allied organizations (collectively "affiliates") during the period of the CR. To the extent your agency already has determined that funds should be obligated or awarded to ACORN or its affiliates but has not yet entered into any agreement to provide such funds to ACORN or any of its affiliates, your agency should not provide such funds, or enter into any such agreements to do so. As section 163 makes clear, its prohibition applies not only to the funding that is made available by the CR, but also to the funding that was made available by previously enacted statutes. In addition, the text of section 163 is sufficiently broad to cover funding that was made available for fiscal year (FY) 2009 and prior fiscal years, as well as funding that is or will be made available for FY10.
- **Suspension of grant and contractual payments.** If your agency has an existing contract or grant agreement with ACORN or its affiliates, the agency should: (i) where permissible, immediately suspend performance of any obligations under the contract or agreement, including payment of Federal funds; and (ii) consult promptly with the agency's general counsel and, if necessary, the Office of Management and Budget

(OMB) and the Department of Justice concerning the legal considerations that bear on the performance of such obligations under the existing contract or agreement.

- ***No funding of ACORN and its affiliates through Federal grantees or contractors.***

Your agency should take steps so that no Federal funds are awarded or obligated by your grantees or contractors to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients. Because section 163 states that “[n]one of the funds . . . may be provided,” this prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee). We recommend that your agency:

- notify all Federal grant and contract recipients of the prohibition contained in section 163, and provide them with a copy of this guidance document; and
- advise all Federal grant and contract recipients (a) not to provide Federal funds to ACORN or its affiliates as subgrantees, subcontractors or other subrecipients, consistent with this guidance, and (b) to notify your agency of any existing subgrants, subcontracts or other subrecipient agreements with ACORN or its affiliates and of how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements.

If you have any questions concerning this memorandum, please contact Preeta D. Bansal, OMB General Counsel and Senior Policy Advisor, at OGC@omb.eop.gov.

Attachment 2

**Listing of Organizational Names for
Association of Community Organization for Reform Now (ACORN) and
Affiliates, Subsidiaries, and Allied Organizations**

Association of Community Organizations for Reform Now ("ACORN")
ACORN National Office: Brooklyn, NY
ACORN Bronx, NY
ACORN Brooklyn, NY
ACORN Buffalo, NY
ACORN Hempstead, NY
ACORN HOUSING CORPORATION Brooklyn, NY
PROJECT VOTE Brooklyn, NY
MHANY Brooklyn, NY
ACORN National Office: Washington, D.C.
ACORN Washington, DC
ACORN HOUSING CORPORATION Washington, DC
ACORN Political 1334 G St, NW Suite B Washington, DC 20005
AISJ Washington, DC
ACORN National Office: Little Rock, AR
ACORN Pine Bluff, AR
ACORN Housing Corporation Little Rock, AR
ACHC Little Rock, AR
ANP Little Rock, AR
PROJECT VOTE Little Rock, AR
KABF Little Rock, AR
SEIU LOCAL 100 Little Rock, AR 72206
ACORN National Office: Phoenix, AZ
ACORN Glendale, AZ
ACORN Mesa, AZ
ACORN Tucson, AZ
ACORN Housing Corporation Phoenix, AZ
ACORN National Office: Dallas, TX
ACORN Arlington, TX
ACORN Dallas, TX
ACORN El Paso, TX
ACORN Ft. Worth, TX
ACORN Houston, TX
ACORN Irving, TX
ACORN San Antonio, TX
ACORN Research Dallas, TX
ACORN HOUSING CORPORATION Dallas, TX

ACORN HOUSING CORPORATION Houston, TX
 ACORN HOUSING CORPORATION San Antonio, TX
 AGAPE Dallas, TX
 SEIU LOCAL 100 Corpus Christi, TX
 SEIU LOCAL 100 Dallas, TX
 SEIU LOCAL 100 Houston, TX
 SEIU LOCAL 100 San Antonio, TX
 ACORN National Office: Boston, MA
 ACORN Boston, MA
 ACORN Brockton, MA
 ACORN Springfield, MA
 ACORN HOUSING CORPORATION Boston, MA
 ACORN HOUSING CORPORATION Springfield, MA
 ACORN National Office: New Orleans, LA
 ACORN Baton Rouge, LA
 ACORN Lake Charles, LA
 ACORN New Orleans, LA
 ACORN HOUSING CORPORATION New Orleans, LA
 Louisiana ACORN Fair Housing Organization New Orleans, LA
 ALERT New Orleans, LA
 AISJ New Orleans, LA
 SEIU LOCAL 100 Baton Rouge, LA
 SEIU LOCAL 100 Lake Charles, LA
 SEIU LOCAL 100 New Orleans, LA
 SEIU LOCAL 100 Shreveport, LA
 HOTROC New Orleans, LA
 ACORN Bay Point, CA
 ACORN Fresno, CA
 ACORN Los Angeles, CA
 ACORN Oakland, CA
 ACORN Sacramento, CA
 ACORN San Bernardino, CA
 ACORN San Diego, CA
 ACORN San Francisco, CA
 ACORN San Jose, CA
 ACORN Santa Ana, CA
 ACORN HOUSING CORPORATION Fresno, CA
 ACORN HOUSING CORPORATION Los Angeles, CA
 ACORN HOUSING CORPORATION Oakland, CA
 ACORN HOUSING CORPORATION Sacramento, CA
 ACORN HOUSING CORPORATION San Diego, CA
 ACORN HOUSING CORPORATION San Jose, CA
 ACORN HOUSING CORPORATION Santa Ana, CA
 ACORN Aurora, CO
 ACORN Denver, CO
 ACORN HOUSING CORPORATION Denver, CO

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ACORN Bridgeport, CT
ACORN Hartford, CT
ACORN Waterbury, CT
ACORN HOUSING CORPORATION Bridgeport, CT
ACORN HOUSING CORPORATION New Haven, CT
ACORN 408 East 8th St. Wilmington, DE
ACORN Ft. Lauderdale, FL
ACORN Hialeah, FL
ACORN Jacksonville, FL
ACORN Lake Worth, FL
ACORN Miami, FL
ACORN Orlando, FL
ACORN St. Petersburg, FL
ACORN c/o the Progressive Center Tallahassee, FL
ACORN Tampa, FL
ACORN HOUSING CORPORATION Miami, FL
ACORN HOUSING CORPORATION Orlando, FL
Floridians For All Miami, FL
ACORN Atlanta, GA
ACORN HOUSING CORPORATION Atlanta, GA
ACORN Honolulu, HI
ACORN Chicago, IL
ACORN Springfield, IL
ACORN HOUSING CORPORATION Chicago, IL
ACORN HOUSING CORPORATION of IL
SEIU LOCAL 880 Chicago, IL
SEIU LOCAL 880 East St. Louis, IL
SEIU LOCAL 880 Harvey, IL
SEIU LOCAL 880 Peoria, IL
SEIU LOCAL 880 Rock Island, IL
SEIU LOCAL 880 Springfield, IL
ACORN Indianapolis, IN
ACORN IA
Peace and Social Justice Center of South Central Kansas Wichita, KS
ACORN Louisville, KY
ACORN Baltimore, MD
ACORN Hyattsville, MD
ACORN HOUSING CORPORATION Baltimore, MD
ACORN Detroit, MI
ACORN HOUSING CORPORATION Detroit, MI
Edison Neighborhood Center Kalamazoo, MI
ACORN St. Paul, MN
ACORN HOUSING CORPORATION St. Paul, MN
ACORN Financial Justice Center St. Paul, MN
ACORN Kansas City, MO
ACORN St. Louis, MO

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ACORN HOUSING CORPORATION Kansas City, MO
ACORN HOUSING CORPORATION St. Louis, MO
SEIU LOCAL 880 East St. Louis, MO
SEIU LOCAL 880 St. Louis, MO
ACORN Jersey City, NJ
ACORN Newark, NJ
ACORN Paterson, NJ
ACORN HOUSING CORPORATION Jersey City, NJ
ACORN Albuquerque, NM
ACORN Las Cruces, NM
ACORN HOUSING CORPORATION Albuquerque, NM
ACORN Charlotte, NC
ACORN Cincinnati, OH
ACORN Cleveland, OH
ACORN Columbus, OH
ACORN Toledo, OH
Lagrange Village Council Toledo, OH
ACORN Portland, OR
ACORN HOUSING CORPORATION Portland, OR
ACORN Allentown, PA
ACORN Harrisburg, PA
ACORN Philadelphia, PA
ACORN Pittsburgh, PA
ACORN HOUSING CORPORATION Philadelphia, PA
ACORN HOUSING CORPORATION Pittsburgh, PA
ACORN Providence, RI
ACORN HOUSING CORPORATION Providence, RI
ACORN Memphis, TN 38104
ACORN Norfolk, VA
ACORN Richmond, VA
ACORN Burien, WA
ACORN Milwaukee, WI
ACORN HOUSING CORPORATION Milwaukee, WI
ACORN Beverly, L.L.C.
ACORN Center for Housing, Inc.
Arkansas Community Housing Corporation
ACORN Community Land Association, Inc.
ACORN Community Land Association Albuquerque NM
ACORN Community Land Association of Louisiana Baltimore MD
ACORN Community Land Association of Louisiana New Orleans LA
ACORN Community Land Association of Pennsylvania, Inc.
ACORN Community Land Association of IL.
ACORN Community Labor Organizing Center, Inc.
ACORN Fair Housing, A Project Of American Institute Washington DC
Arkansas ACORN Fair Housing, Inc.
New Mexico ACORN Fair Housing Albuquerque NM

ACORN Fair Housing Washington DC
 ACORN Housing 1 Associates, LP (limited partnership)
 ACORN Housing 2 Associates, LP (limited partnership)
 ACORN Housing 2, Inc.
 ACORN Housing Affordable Loans, LLC
 ACORN Housing Corporation, Inc.
 Desert Rose Homes, L.L.C.
 Franklin ACORN Housing, Inc.
 Mott Haven ACORN Housing Development Fund
 Mutual Housing Association of New York, Inc.
 New Orleans Community Housing Organization, Inc.
 ACORN Community Land Association of Illinois
 Massachusetts ACORN Housing Corporation
 Broad Street Corporation
 Elysian Fields Corporation
 ACORN 2004 Housing Development Fund Corporation
 ACORN 2005 Housing Development FUND CORPORATION
 ACORN Dumont-Snediker Housing Development Fund Corporation
 Dumont Avenue Housing Development Fund
 Elysian Fields Partnership
 Fifteenth Street Corporation
 New York ACORN Housing Company Inc
 Development Fund Corporation
 New York Organizing and Support Center, Inc
 Baltimore Organizing and Support Center, Inc.
 Chicago Organizing and Support Center, Inc.
 Houston Organizing and Support Center, Inc.
 5301 McDougall Corporation
 New Mexico Organizing and Support Center, Inc.
 New York Organizing and Support Center, Inc.
 Phoenix Organizing and Support Center, Inc.
 385 Palmetto Street Housing Development Fund Corporation
 Sixth Avenue Corporation
 4415 San Jacinto Street Corporation
 St. Louis Organizing and Support Center, Inc.
 St. Louis Tax Reform Group, Inc.
 Greenwell Springs Corporation
 Austin Organizing and Support Center, Inc.
 Boston Organizing and Support Center, Inc.
 American Home Day Care Workers Association, Inc.
 American Workers Association
 Baton Rouge Association of School Employees, Inc.
 Hospitality Hotel and Restaurant Organizing Council
 Illinois Home Child Care Workers Association, Inc.
 Labor Link, Inc.
 Labor Neighbor Research and Training Center, Inc.

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Missouri Home Child Care Workers Association, Inc.
Middle South Home Day Care Workers Association, Inc.
Wal-Mart Alliance for Reform Now, Inc.
Wal-Mart Association for Reform Now
Working Families Association, Inc.
Wal-Mart Workers Association, Inc.
People Organizing Workfare Workers/ACORN/CWA, Inc. Workers/ACORN/CWA,
Inc.
Texas United City-County Employees, Inc.
Texas United School Employees, Inc.
United Labor Foundation of Greater New Orleans, Inc.
United Security Workers of America
Orleans Criminal Sheriffs
SEIU Local 100
SEIU Local 880
Arkansas Broadcasting Foundation, Inc.
Agape Broadcasting Foundation, Inc.
Affiliated Media Foundation Movement, Inc.
Allied Media Projects, Inc.
ACORN National Broadcasting Network, Inc.
Alabama Radio Movement, Inc. (Dissolved)
ACORN Television in Action for Communities, Inc.
California Community Television Network
Flagstaff Broadcasting Foundation, Inc.
Iowa ACORN Broadcasting Corporation
Maricopa Community Television Project, Inc.
Montana Radio Network, Inc.
Radio New Mexico, Inc.
Shreveport Community Television, Inc.
Crescent City Broadcasting Corporation
KABF Radio
KNON Radio
ACORN Institute, Inc.
ACORN Institute Inc. Washington DC
ACORN Institute Dallas TX
ACORN Institute Inc. New Orleans LA
American Institute for Social Justice, Inc.
Association for Rights of Citizens, Inc.
New York Agency for Community Affairs, Inc.
Pennsylvania Institute for Community Affairs, Inc.
Project Vote/Voting for America, Inc.
ACORN Tenant Union Training & Organizing Project, Inc.
ACORN Law for Education Representation & Training, Inc.
American Environmental Justice Project, Inc.
ACORN International, Inc.
Environmental Justice Training Project, Inc.

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Movement for Economic Justice, Education & Training Center, Inc.
Missouri Tax Justice Research Project, Inc.
ACORN Beneficial Association, Inc.
ACORN Canada
ACORN Children's Beneficial Association, Inc.
ACORN Campaign to Raise the Minimum Wage, Inc.
ACORN Cultural Trust, Inc.
ACORN Dual Language Community Academy
ACORN Fund, Inc.
ACORN Foster Parents, Inc.
ACORN Institute Canada
ACORN Political Action Committee, Inc.
ACORN Tenants' Union, Inc.
Community Training for Environmental Justice, Inc.
Connecticut Working Families
Democracy for America
Hammurabi Fund, Inc.
McLellan Multi-Family Corporation
Metro Technical Institute, Inc.
New Party National Committee, Inc.
Volunteers for America, Inc.
Volunteers for California, Inc.
Volunteers for Missouri, Inc.
ACORN Management Corporation
Associated Regional Maintenance Systems
ACORN Associates, Inc.
ACORN Associates Inc. Albuquerque NM
ACORN Campaign Services, Inc.
ACORN Services, Inc.
Citizens Consulting, Inc.
Chief Organizer Fund, Inc.
Citizens Services, Inc.
People's Equipment Resource Corporation, Inc.
National Center for Jobs & Justice
Service Workers Action Team
Living Wage Resource Center
American Home Childcare Providers Association
Association for the Rights of Citizens Inc
California Community Network
Child Care Providers for Action Franklin
Citizens Action Research Project
Citizens Campaign for Work, Living Wage & Labor Peace
Citizens for Future Progress
Citizens Campaign for Finance Reform
Floridians for All PAC
Greenville Community Charter School Inc

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Student Minimum Wage Action Campaign
Site Fighters
Social Policy
Southern Training Center
ACORN Votes
Communities Voting Together
Arkansas ACORN Political Action Committee
Arkansas New Party
California APAC
Citizens for April Troope
Colorado Organizing and Support Center, Inc.
Citizens Campaign for Fair Work
Citizens Services Society, Inc.
Clean Government APAC
Community Voices Together
Community Real Estate Processing, Inc.
Council Beneficial Association
Council Health Plan
Desert Rose Homeowners' Association
District of Columbia APAC
Friends of Wendy Foy
Illinois APAC
Illinois New Party
Institute for Worker Education
Jefferson Area Public Employees
Jefferson Area School Employees
Local 100 Health & Welfare Fund
Local 100 Political Action Committee
Local 100 Retirement Fund
Local 880 PAC
Local 880 Political PAC
Louisiana APAC
Maryland APAC
Massachusetts APAC
Missouri APAC
Mutual Housing Association of New York Neighborhood Restore
Neighbors for Arthelia Ray
Neighbors for Maria Torres
Neighbors for Ted Thomas
New Mexico APAC
New Orleans Campaign for Living Wage Committee
New York APAC
Oregon APAC
Orleans Criminal Sheriffs Workers Organization, Inc.
Pennsylvania APAC
Progressive Houston

Progressive St. Louis
Rhode Island APAC

TRAINING AND EMPLOYMENT NOTICE	NO. 21-09
	DATE December 11, 2009

TO: STATE WORKFORCE AGENCIES
 ALL STATE WORKFORCE LIAISONS
 STATE WORKFORCE ADMINISTRATORS
 STATE AND LOCAL WORKFORCE INVESTMENT BOARDS
 ONE-STOP CAREER CENTER SYSTEM LEADS
 ALL DIRECT ETA GRANT AND CONTRACT RECIPIENTS

FROM: JANE OATES /s/
 Assistant Secretary
 Employment and Training Administration

SUBJECT: Clarification of Guidance on Section 163 of the Continuing Resolution
 Regarding the Association of Community Organizations for Reform Now
 (ACORN)

1. Purpose. To provide clarification concerning Attachment 2 of Training and Employment Guidance Letter (TEGL) No. 8-09: *Guidance on Section 163 of the Continuing Resolution Regarding the Association of Community Organizations for Reform Now (ACORN).*

2. Reference.
- TEGL No. 8-09: *Guidance on Section 163 of the Continuing Resolution Regarding the Association of Community Organizations for Reform Now (ACORN)*
 - Section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law No. 111-68
 - Memorandum for the Heads of Executive Departments and Agencies (M-10-02): Guidance on section 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN)

3. Background. On October 19, 2009, the Employment and Training Administration issued TEGL No. 8-09. Attachment 2 of that TEGL is entitled Listing of Organizational Names for Association of Community Organizations for Reform Now (ACORN) and Affiliates, Subsidiaries, and Allied Organizations.

4. Clarification. In response to inquiries we have received concerning the identity of ACORN affiliates and subsidiaries that are subject to the restrictions of the Continuing Resolution, there is no official Congressional or other U.S. government list of such entities. Attachment 2 of TEGL No. 8-09 was an unofficial list compiled by minority staff of the House Committee on Oversight and Government Reform, and is not authoritative or definitive in any way.

5. Inquiries. Direct questions to the Federal Project Officer designated in the grant or contract agreement.

**Employment and Training Administration
 U.S. Department of Labor
 Washington, D.C. 20210**



U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue, N.W.
Washington, D.C. 20210

10/20/2009

Agreement Number: UI-18016-09-55-A-15

HI DEPARTMENT OF LABOR & INDUSTRIAL RELATIONS
830 PUNCHBOWL ST
ROOM 329
HONOLULU , HI 96813
ATTN: DARWIN L.D. CHING

Dear Grantee:

This letter is to notify your organization of the recent compliance requirements of Section 163 of the Continuing Appropriation Resolution, 2010, Division B of Public Law No. 111-68 regarding the prohibition of funding the Association of Community Organizations for Reform Now (ACORN). Section 163 prohibits Employment and Training funds from the Continuing Resolution, as well as any prior Act from being provided to ACORN, or any of its affiliates subsidiaries or allied organizations.

The Employment & Training Administration (ETA) has issued a Training and Employment Guidance Letter number 8-09, to provide detailed guidance concerning this prohibition. **All Grantees, Contractors and sub-recipients of ETA funds with any kind of procurement or funding agreement with ACORN or its affiliates must immediately seek to suspend performance of any obligations under such agreement, including suspension of the payment of Federal funds.** If your organization determines such an agreement(s) exists, you must immediately contact your Grant or Contracting Officer.

A complete copy of TEGL 8-09 can be found at <http://wdr.doleta.gov/directives/>. If you have any additional questions, please contact your Grant or Contracting Officer.

Sincerely,

Laura Patton Watson
Associate Deputy Administrator
Office of Financial & Administrative Management

Block, Sharon - OCIA

From: Bencheck, Cindy - OSHA
Sent: Monday, October 19, 2009 11:40 AM
Cc: Colena, Allan - OSHA; Caron, Dennis - OSHA; Granda, Geraldine - OSHA; Hoffman, Kris - OSHA; Dickson, James L - OSHA; Russo, Maureen - OSHA; Tate, Gregory - OSHA; Starkman, Philip - OSHA; Ramirez, Luis - OSHA; Tarver, Kevin - OSHA; Moore, Mary - OSHA; Newquist, John - OSHA; Evans, Julia - OSHA; Galmore, Shumaine - OSHA; Choi, Marc - OSHA; Talmont, Mike - OSHA; Chess, James - OSHA; Wheeler, Jacalyn - OSHA; Robertson, Donna - OSHA; Oba, Monica - OSHA; Shulsky, Joanna - OSHA; Luke, Marilyn - OSHA; Ha, Lavinia - OSHA; Eisenberg, Gail - OSHA; Pascua, Rachel - OSHA; Grouke, Joan - OSHA; Oborski, Pavlo - OSHA; Williams, Arlene - OSHA; Barnes, James - OSHA; Bencheck, Cindy - OSHA; Thompson, Ernest - OSHA
Subject: Notice to all active OSHA Susan Harwood Grantees Regarding ACORN - ATTN: new FY09 TT grantees and Harwood grantees with time extensions
Importance: High
Follow Up Flag: Follow up
Due By: Friday, October 23, 2009 4:00 PM
Flag Status: Completed
Attachments: ACORN Affiliates.xls

ATTN: ALL ACTIVE OSHA SUSAN HARWOOD GRANTEEES

RE: The ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN)

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) is hereby notifying all active Federal Harwood grant recipients of the following prohibitions relating to their grants.

Congress has enacted a prohibition against providing funding to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations (see attached list), as spelled out in the guidance memo available on line at: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf. *The prohibition applies to current funding as well as to past funding which has not yet been obligated on contracts or grants, and applies the restriction to subcontracts and subrecipients.*

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009, that section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68), requires no funding of Association of Community Organizations for Reform Now (ACORN) and its affiliates through Federal grantees or contractors. DOL is required to take steps so that no Federal funds are awarded or obligated by DOL grantees or contractors to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee). In the event you have an active grant or contract that provides DOL funding to ACORN or any of its affiliates, subsidiaries, or allied organizations, you are required to notify DOL of any existing subgrants, subcontracts or other subrecipient

agreements with ACORN or its affiliates and provide a discussion of how your organization will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer, in writing via e-mail. Only positive responses are required. **Written e-mail notices are due by October 23, 2009, and should be sent to the attention of:**

Pavlo Oborski at: oborski.pavlo@dol.gov

Thank you.

The following 361 entities compose the ACORN COUNCIL

- 1 Association of Community Organizations for Reform Now ("ACORN")
- 2 ACORN National Office: Brooklyn, NY
- 3 ACORN Bronx, NY
- 4 ACORN Brooklyn, NY
- 5 ACORN Buffalo, NY
- 6 ACORN Hempstead, NY
- 7 ACORN HOUSING CORPORATION Brooklyn, NY
- 8 PROJECT VOTE Brooklyn, NY
- 9 MHANY Brooklyn, NY
- 10 ACORN National Office: Washington, D.C.
- 11 ACORN Washington, DC
- 12 ACORN HOUSING CORPORATION Washington, DC
- 13 ACORN Political 1334 G St, NW Suite B Washington, DC 20005
- 14 AISJ Washington, DC
- 15 ACORN National Office: Little Rock, AR
- 16 ACORN Pine Bluff, AR
- 17 ACORN Housing Corporation Little Rock, AR
- 18 ACHC Little Rock, AR
- 19 ANP Little Rock, AR
- 20 PROJECT VOTE Little Rock, AR
- 21 KABF Little Rock, AR
- 22 SEIU LOCAL 100 Little Rock, AR 72206
- 23 ACORN National Office: Phoenix, AZ
- 24 ACORN Glendale, AZ
- 25 ACORN Mesa, AZ
- 26 ACORN Tucson, AZ
- 27 ACORN Housing Corporation Phoenix, AZ
- 28 ACORN National Office: Dallas, TX
- 29 ACORN Arlington, TX
- 30 ACORN Dallas, TX
- 31 ACORN El Paso, TX
- 32 ACORN Ft. Worth, TX
- 33 ACORN Houston, TX
- 34 ACORN Irving, TX
- 35 ACORN San Antonio, TX
- 36 ACORN Research Dallas, TX
- 37 ACORN HOUSING CORPORATION Dallas, TX
- 38 ACORN HOUSING CORPORATION Houston, TX
- 39 ACORN HOUSING CORPORATION San Antonio, TX
- 40 AGAPE Dallas, TX
- 41 SEIU LOCAL 100 Corpus Christi, TX
- 42 SEIU LOCAL 100 Dallas, TX
- 43 SEIU LOCAL 100 Houston, TX
- 44 SEIU LOCAL 100 San Antonio, TX
- 45 ACORN National Office: Boston, MA
- 46 ACORN Boston, MA
- 47 ACORN Brockton, MA
- 48 ACORN Springfield, MA
- 49 ACORN HOUSING CORPORATION Boston, MA
- 50 ACORN HOUSING CORPORATION Springfield, MA
- 51 ACORN National Office: New Orleans, LA
- 52 ACORN Baton Rouge, LA
- 53 ACORN Lake Charles, LA
- 54 ACORN New Orleans, LA
- 55 ACORN HOUSING CORPORATION New Orleans, LA
- 56 Louisiana ACORN Fair Housing Organization New Orleans, LA
- 57 ALERT New Orleans, LA

- 116 ACORN IA
- 117 Peace and Social Justice Center of South Central Kansas Wichita, KS
- 118 ACORN Louisville, KY
- 119 ACORN Baltimore, MD
- 120 ACORN Hyattsville, MD
- 121 ACORN HOUSING CORPORATION Baltimore, MD
- 122 ACORN Detroit, MI
- 123 ACORN HOUSING CORPORATION Detroit, MI
- 124 Edison Neighborhood Center Kalamazoo, MI
- 125 ACORN St. Paul, MN
- 126 ACORN HOUSING CORPORATION St. Paul, MN
- 127 ACORN Financial Justice Center St. Paul, MN
- 128 ACORN Kansas City, MO
- 129 ACORN St. Louis, MO
- 130 ACORN HOUSING CORPORATION Kansas City, MO
- 131 ACORN HOUSING CORPORATION St. Louis, MO
- 132 SEIU LOCAL 880 East St. Louis, MO
- 133 SEIU LOCAL 880 St. Louis, MO
- 134 ACORN Jersey City, NJ
- 135 ACORN Newark, NJ
- 136 ACORN Paterson, NJ
- 137 ACORN HOUSING CORPORATION Jersey City, NJ
- 138 ACORN Albuquerque, NM
- 139 ACORN Las Cruces, NM
- 140 ACORN HOUSING CORPORATION Albuquerque, NM
- 141 ACORN Charlotte, NC
- 142 ACORN Cincinnati, OH
- 143 ACORN Cleveland, OH
- 144 ACORN Columbus, OH
- 145 ACORN Toledo, OH
- 146 Lagrange Village Council Toledo, OH
- 147 ACORN Portland, OR
- 148 ACORN HOUSING CORPORATION Portland, OR
- 149 ACORN Allentown, PA
- 150 ACORN Harrisburg, PA
- 151 ACORN Philadelphia, PA
- 152 ACORN Pittsburgh, PA
- 153 ACORN HOUSING CORPORATION Philadelphia, PA
- 154 ACORN HOUSING CORPORATION Philadelphia, PA
- 155 ACORN HOUSING CORPORATION Pittsburgh, PA
- 156 ACORN Providence, RI
- 157 ACORN HOUSING CORPORATION Providence, RI
- 158 ACORN Memphis, TN 38104
- 159 ACORN Norfolk, VA
- 160 ACORN Richmond, VA
- 161 ACORN Burien, WA
- 162 ACORN Milwaukee, WI
- 163 ACORN HOUSING CORPORATION Milwaukee, WI
- 164 ACORN Beverly, L.L.C.
- 165 ACORN Center for Housing, Inc.
- 166 Arkansas Community Housing Corporation
- 167 ACORN Community Land Association, Inc.
- 168 ACORN Community Land Association Albuquerque NM
- 169 ACORN Community Land Association of Louisiana Baltimore MD
- 170 ACORN Community Land Association of Louisiana New Orleans LA
- 171 ACORN Community Land Association of Pennsylvania, Inc.
- 172 ACORN Community Land Association of IL.
- 173 ACORN Community Labor Organizing Center, Inc.

- 58 AISJ New Orleans, LA
- 59 SEIU LOCAL 100 Baton Rouge, LA
- 60 SEIU LOCAL 100 Lake Charles, LA
- 61 SEIU LOCAL 100 New Orleans, LA
- 62 SEIU LOCAL 100 Shreveport, LA
- 63 HOTROC New Orleans, LA
- 64 ACORN Bay Point, CA
- 65 ACORN Fresno, CA
- 66 ACORN Los Angeles, CA
- 67 ACORN Oakland, CA
- 68 ACORN Sacramento, CA
- 69 ACORN San Bernardino, CA
- 70 ACORN San Diego, CA
- 71 ACORN San Francisco, CA
- 72 ACORN San Jose, CA
- 73 ACORN Santa Ana, CA
- 74 ACORN HOUSING CORPORATION Fresno, CA
- 75 ACORN HOUSING CORPORATION Los Angeles, CA
- 76 ACORN HOUSING CORPORATION Oakland, CA
- 77 ACORN HOUSING CORPORATION Sacramento, CA
- 78 ACORN HOUSING CORPORATION San Diego, CA
- 79 ACORN HOUSING CORPORATION San Jose, CA
- 80 ACORN HOUSING CORPORATION Santa Ana, CA
- 81 ACORN Aurora, CO
- 82 ACORN Denver, CO
- 83 ACORN HOUSING CORPORATION Denver, CO
- 84 ACORN Bridgeport, CT
- 85 ACORN Hartford, CT
- 86 ACORN Waterbury, CT
- 87 ACORN HOUSING CORPORATION Bridgeport, CT
- 88 ACORN HOUSING CORPORATION New Haven, CT
- 89 ACORN 408 East 8th St. Wilmington, DE
- 90 ACORN Ft. Lauderdale, FL
- 91 ACORN Hialeah, FL
- 92 ACORN Jacksonville, FL
- 93 ACORN Lake Worth, FL
- 94 ACORN Miami, FL
- 95 ACORN Orlando, FL
- 96 ACORN St. Petersburg, FL
- 97 ACORN c/o the Progressive Center Tallahassee, FL
- 98 ACORN Tampa, FL
- 99 ACORN HOUSING CORPORATION Miami, FL
- 100 ACORN HOUSING CORPORATION Orlando, FL
- 101 Floridians For All Miami, FL
- 102 ACORN Atlanta, GA
- 103 ACORN HOUSING CORPORATION Atlanta, GA
- 104 ACORN Honolulu, HI
- 105 ACORN Chicago, IL
- 106 ACORN Springfield, IL
- 107 ACORN HOUSING CORPORATION Chicago, IL
- 108 ACORN HOUSING CORPORATION of IL
- 109 SEIU LOCAL 880 Chicago, IL
- 110 SEIU LOCAL 880 East St. Louis, IL
- 111 SEIU LOCAL 880 Harvey, IL
- 112 SEIU LOCAL 880 Peoria, IL
- 113 SEIU LOCAL 880 Rock Island, IL
- 114 SEIU LOCAL 880 Springfield, IL
- 115 ACORN Indianapolis, IN

- 174 ACORN Fair Housing, A Project Of American Institute Washington DC
- 175 Arkansas ACORN Fair Housing, Inc.
- 176 New Mexico ACORN Fair Housing Albuquerque NM
- 177 ACORN Fair Housing Washington DC
- 178 ACORN Housing 1 Associates, LP (limited partnership)
- 179 ACORN Housing 2 Associates, LP (limited partnership)
- 180 ACORN Housing 2, Inc.
- 181 ACORN Housing Affordable Loans, LLC
- 182 ACORN Housing Corporation, Inc.
- 183 Desert Rose Homes, L.L.C.
- 184 Franklin ACORN Housing, Inc.
- 185 Mott Haven ACORN Housing Development Fund
- 186 Mutual Housing Association of New York, Inc.
- 187 New Orleans Community Housing Organization, Inc.
- 188 ACORN Community Land Association of Illinois
- 189 Massachusetts ACORN Housing Corporation
- 190 Broad Street Corporation
- 191 Elysian Fields Corporation
- 192 ACORN 2004 Housing Development Fund Corporation
- 193 ACORN 2005 Housing Development FUND CORPORATION
- 194 ACORN Dumont-Snediker Housing Development Fund Corporation
- 195 Dumont Avenue Housing Development Fund
- 196 Elysian Fields Partnership
- 197 Fifteenth Street Corporation
- 198 New York ACORN Housing Company Inc
- 199 Development Fund Corporation
- 200 New York Organizing and Support Center, Inc
- 201 Baltimore Organizing and Support Center, Inc.
- 202 Chicago Organizing and Support Center, Inc.
- 203 Houston Organizing and Support Center, Inc.
- 204 5301 McDougall Corporation
- 205 New Mexico Organizing and Support Center, Inc.
- 206 New York Organizing and Support Center, Inc.
- 207 Phoenix Organizing and Support Center, Inc.
- 208 385 Palmetto Street Housing Development Fund Corporation
- 209 Sixth Avenue Corporation
- 210 4415 San Jacinto Street Corporation
- 211 St. Louis Organizing and Support Center, Inc.
- 212 St. Louis Tax Reform Group, Inc.
- 213 Greenwell Springs Corporation
- 214 Austin Organizing and Support Center, Inc.
- 215 Boston Organizing and Support Center, Inc.
- 216 American Home Day Care Workers Association, Inc.
- 217 American Workers Association
- 218 Baton Rouge Association of School Employees, Inc.
- 219 Hospitality Hotel and Restaurant Organizing Council
- 220 Illinois Home Child Care Workers Association, Inc.
- 221 Labor Link, Inc.
- 222 Labor Neighbor Research and Training Center, Inc.
- 223 Missouri Home Child Care Workers Association, Inc.
- 224 Middle South Home Day Care Workers Association, Inc.
- 225 Wal-Mart Alliance for Reform Now, Inc.
- 226 Wal-Mart Association for Reform Now
- 227 Working Families Association, Inc.
- 228 Wal-Mart Workers Association, Inc.
- 229 People Organizing Workfare Workers/ACORN/CWA, Inc. Workers/ACORN/
- 230 Texas United City-County Employees, Inc.
- 231 Texas United School Employees, Inc.

- 232 United Labor Foundation of Greater New Orleans, Inc.
- 233 United Security Workers of America
- 234 Orleans Criminal Sheriffs
- 235 SEIU Local 100
- 236 SEIU Local 880
- 237 Arkansas Broadcasting Foundation, Inc.
- 238 Agape Broadcasting Foundation, Inc.
- 239 Affiliated Media Foundation Movement, Inc.
- 240 Allied Media Projects, Inc.
- 241 ACORN National Broadcasting Network, Inc.
- 242 Alabama Radio Movement, Inc. (Dissolved)
- 243 ACORN Television in Action for Communities, Inc.
- 244 California Community Television Network
- 245 Flagstaff Broadcasting Foundation, Inc.
- 246 Iowa ACORN Broadcasting Corporation
- 247 Maricopa Community Television Project, Inc.
- 248 Montana Radio Network, Inc.
- 249 Radio New Mexico, Inc.
- 250 Shreveport Community Television, Inc.
- 251 Crescent City Broadcasting Corporation
- 252 KABF Radio
- 253 KNON Radio
- 254 ACORN Institute, Inc.
- 255 ACORN Institute Inc. Washington DC
- 256 ACORN Institute Dallas TX
- 257 ACORN Institute Inc. New Orleans LA
- 258 American Institute for Social Justice, Inc.
- 259 Association for Rights of Citizens, Inc.
- 260 New York Agency for Community Affairs, Inc.
- 261 Pennsylvania Institute for Community Affairs, Inc.
- 262 Project Vote/Voting for America, Inc.
- 263 ACORN Tenant Union Training & Organizing Project, Inc.
- 264 ACORN Law for Education Representation & Training, Inc.
- 265 American Environmental Justice Project, Inc.
- 266 ACORN International, Inc.
- 267 Environmental Justice Training Project, Inc.
- 268 Movement for Economic Justice, Education & Training Center, Inc.
- 269 Missouri Tax Justice Research Project, Inc.
- 270 ACORN Beneficial Association, Inc.
- 271 ACORN Canada
- 272 ACORN Children's Beneficial Association, Inc.
- 273 ACORN Campaign to Raise the Minimum Wage, Inc.
- 274 ACORN Cultural Trust, Inc.
- 275 ACORN Dual Language Community Academy
- 276 ACORN Fund, Inc.
- 277 ACORN Foster Parents, Inc.
- 278 ACORN Institute Canada
- 279 ACORN Political Action Committee, Inc.
- 280 ACORN Tenants' Union, Inc.
- 281 Community Training for Environmental Justice, Inc.
- 282 Connecticut Working Families
- 283 Democracy for America
- 284 Hammurabi Fund, Inc.
- 285 McLellan Multi-Family Corporation
- 286 Metro Technical Institute, Inc.
- 287 New Party National Committee, Inc.
- 288 Volunteers for America, Inc.
- 289 Volunteers for California, Inc.

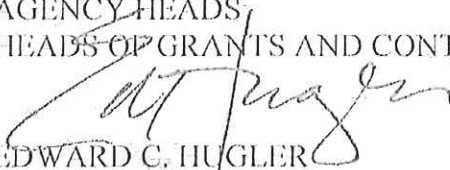
- 290 Volunteers for Missouri, Inc.
- 291 ACORN Management Corporation
- 292 Associated Regional Maintenance Systems
- 293 ACORN Associates, Inc.
- 294 ACORN Associates Inc. Albuquerque NM
- 295 ACORN Campaign Services, Inc.
- 296 ACORN Services, Inc.
- 297 Citizens Consulting, Inc.
- 298 Chief Organizer Fund, Inc.
- 299 Citizens Services, Inc.
- 300 People's Equipment Resource Corporation, Inc.
- 301 National Center for Jobs & Justice
- 302 Service Workers Action Team
- 303 Living Wage Resource Center
- 304 American Home Childcare Providers Association
- 305 Association for the Rights of Citizens Inc
- 306 California Community Network
- 307 Child Care Providers for Action Franklin
- 308 Citizens Action Research Project
- 309 Citizens Campaign for Work, Living Wage & Labor Peace
- 310 Citizens for Future Progress
- 311 Citizens Campaign for Finance Reform
- 312 Floridians for All PAC
- 313 Greenville Community Charter School Inc
- 314 Student Minimum Wage Action Campaign
- 315 Site Fighters
- 316 Social Policy
- 317 Southern Training Center
- 318 ACORN Votes
- 319 Communities Voting Together
- 320 Arkansas ACORN Political Action Committee
- 321 Arkansas New Party
- 322 California APAC
- 323 Citizens for April Troope
- 324 Colorado Organizing and Support Center, Inc.
- 325 Citizens Campaign for Fair Work
- 326 Citizens Services Society, Inc.
- 327 Clean Government APAC
- 328 Community Voices Together
- 329 Community Real Estate Processing, Inc.
- 330 Council Beneficial Association
- 331 Council Health Plan
- 332 Desert Rose Homeowners' Association
- 333 District of Columbia APAC
- 334 Friends of Wendy Foy
- 335 Illinois APAC
- 336 Illinois New Party
- 337 Institute for Worker Education
- 338 Jefferson Area Public Employees
- 339 Jefferson Area School Employees
- 340 Local 100 Health & Welfare Fund
- 341 Local 100 Political Action Committee
- 342 Local 100 Retirement Fund
- 343 Local 880 PAC
- 344 Local 880 Political PAC
- 345 Louisiana APAC
- 346 Maryland APAC
- 347 Massachusetts APAC

- 348 Missouri APAC
- 349 Mutual Housing Association of New York Neighborhood Restore
- 350 Neighbors for Arthelia Ray
- 351 Neighbors for Maria Torres
- 352 Neighbors for Ted Thomas
- 353 New Mexico APAC
- 354 New Orleans Campaign for Living Wage Committee
- 355 New York APAC
- 356 Oregon APAC
- 357 Orleans Criminal Sheriffs Workers Organization, Inc.
- 358 Pennsylvania APAC
- 359 Progressive Houston
- 360 Progressive St. Louis
- 361 Rhode Island APAC



MAR 29 2010

MEMORANDUM FOR AGENCY HEADS
~~HEADS OF GRANTS AND CONTRACTING ACTIVITIES~~

FROM: 
EDWARD C. HUGLER
Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT: Rescinding Prior Guidance on ACORN Funding Prohibitions

This memorandum provides new instructions and rescinds prior Office of Management and Budget and Department of Labor (DOL) guidance on the Association of Community Organizations for Reform Now or any of its affiliates, subsidiaries, or allied organizations ("ACORN") funding prohibitions because the pertinent legislative provisions have been declared unconstitutional by the United States District Court for the Eastern District of New York.

We previously advised you not to give grants or contracts to ACORN because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. With the District Court's ruling declaring this provision and a similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, unconstitutional, our previous guidance of October 13, 2009, (attached) is hereby rescinded.

To effectuate this guidance I ask that you promptly inform your contractors, grantees, and purchase cardholders. To facilitate the necessary notification, the following model instruction is provided:

We previously advised you not to give grants or contracts to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations, because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. Section 163 has now been declared unconstitutional by the United States District Court for the Eastern District of New York. A similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, was also declared unconstitutional. Accordingly, our previous guidance directing you not to award funding to ACORN and affiliates is rescinded. Please disregard the earlier guidance, and also advise your sub-recipients, subcontractors and sub-grantees that sections 163 and 511 have been declared unconstitutional.

To document our conformance with the District Court's ruling, please report the status of notification to your contractors, grantees, and purchase cardholders to Valerie Veatch, Director, Office of Acquisition Management Services by Friday April 2, 2010. If you have any questions, please have your staff contact Valerie Veatch at veatch.valerie@dol.gov or 202-693-7245.

Thank you for your prompt attention and cooperation.

Attachment



OCT 13 2009

MEMORANDUM FOR AGENCY HEADS

FROM:

EDWARD C. HUGLER

Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT:

Prohibitions on Funding for the Association of
Community Organizations for Reform Now (ACORN)

This memorandum provides guidance regarding the implementation of new statutory restrictions against funding for ACORN.

Background

In section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68), Congress included prohibitions against funding for the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations. In an October 7, 2009, Memorandum for the Heads of Executive Departments and Agencies (attached), the Office of Management and Budget (OMB) issued guidance for the implementation of these statutory restrictions. The funding restrictions apply to:

- Current funding;
- Past funding which has not yet been obligated on contracts or grants; and
- Subcontracts and subrecipients.

Action Required

To comply with the law and the OMB guidance, the Department must immediately take *three specific steps* relating to new funding awards and current actions:

(1) New awards. Any planned procurement or grant being processed by your Agency should be reviewed to ensure that *funding is not issued* to ACORN or any of its affiliates, subsidiaries, or allied organizations. All new awards shall be modified to incorporate language similar to the following:

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009, that section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68, requires no funding of Association of Community Organizations for Reform Now

(ACORN) or any of its affiliates, subsidiaries, or allied organizations through Federal grantees or contractors. No funding applied to this action shall be provided to ACORN or any of its affiliates, subsidiaries, or allied organizations. OMB memorandum M-10-02 is available at: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf

(2) Current Contracts with the Prohibited Sources. Each agency is to review its current contracts and grants to determine whether they have any awards to ACORN or any of its affiliates, subsidiaries, or allied organizations. If your agency has any existing contractual or grant relationship with this organization or any of its affiliates, subsidiaries, or allied organizations, you must:

- Seek *suspension of grant and contractual payments*;
- Immediately contact the Office of the Solicitor (SOL) and the contracting officer or grants officer to assess whether it is permissible to immediately suspend performance of any obligations under the contract or agreement, including payment of Federal funds; and
- Develop an action plan in consultation with SOL and, if necessary, OMB and the Department of Justice concerning the legal considerations that bear on the performance of such obligations under the existing contract or agreement. A copy of your Agency's action plan for suspension of grant and contractual payments should be provided to Al Stewart, the DOL Procurement Executive, in OASAM's Business Operations Center.

(3) Funding through Federal Grantees or Contractors. The Department is required to advise each of its grant and contract recipients:

- Not to provide Federal funds to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients, consistent with this guidance; and
- To notify the Department of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its affiliates and of how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts, or subrecipient agreements.

Each Agency is to work with its contracting and grants office to develop a plan to disseminate the required information to grantees and contractors. Suggested language for the notice is provided below:

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009, that section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68), requires no funding of Association of Community Organizations for Reform Now (ACORN) and its affiliates through Federal grantees or contractors. DOL is required to take steps so that no Federal funds are awarded or obligated by DOL grantees or contractors to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee).

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In the event you have an active grant or contract that provides DOL funding to ACORN or any of its affiliates, subsidiaries, or allied organizations, you are required to notify DOL of any existing subgrants, subcontracts or other subrecipient agreements with ACORN or its affiliates and provide a discussion of how your organization will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer, in writing. OMB memorandum M-10-02 is available at:
http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf

Each Agency Head is asked to review the steps required to comply with the statutory prohibitions against ACORN funding and provide a report that identifies your Agency's response to the contract and grants award planning, current contract and grants, and notification of grantees and contractors of subrecipient or subcontract funding prohibition under section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68 (CR). Please provide your report to me not later than Monday, October 19, 2009.

If you have any questions, please have your staff contact Valerie Veatch, Director Office of Acquisition Management, at 693-7245.

Thank you for your prompt attention and cooperation.

Attachment




EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 16, 2010

M-10-12

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Peter R. Orszag
Director 

SUBJECT: District Court ruling on appropriations provisions regarding the Association of Community Organizations for Reform Now (ACORN)

This is to inform you that on March 10, 2010, the United States District Court for the Eastern District of New York issued the attached opinion, declaratory judgment, and permanent injunction in Association of Community Organizations for Reform Now (ACORN), et al. v. United States, et al., 1:09-cv-4888 (E.D.N.Y.).

In its opinion, the District Court concluded that the funding prohibitions regarding ACORN and related entities, in the FY 2010 Continuing Resolution and in several of the FY 2010 appropriations acts, are unconstitutional "bills of attainder" under Article I, Section 9 of the United States Constitution. The ACORN provisions that are covered by the District Court's ruling are Section 163 of the Continuing Appropriations Resolution, 2010 (Public Law 111-68, Division B); Section 427 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111-88, Division A); and the following sections of the Consolidated Appropriations Act, 2010 (Public Law 111-117): Division A, Section 418; Division B, Section 534; and Division E, Section 511; and Section 8123 of the Department of Defense Appropriations Act of 2010 (Public Law 111-118, Division A). (Section 163 of the Continuing Resolution had previously expired, at the end of December 18, 2009.)

The Department of Justice is filing an appeal of the District Court's decision and seeking a stay pending appeal, and we will keep agencies informed of any developments. In the meanwhile, in accordance with the District Court's permanent injunction:

- The Memorandum of October 7, 2009 regarding "Guidance on section 163 of the Continuing Resolution regarding the Association of Community Organizations for Reform Now (ACORN)" (Memorandum M-10-02), is hereby rescinded;
- Federal agencies are hereby advised that the District Court has declared the above-listed legislative provisions unconstitutional, and has enjoined enforcement of the provisions by defendant agencies (Departments of Housing and Urban Development, Treasury, Commerce, and Defense, and the Environmental Protection Agency).
- All Federal agencies should advise their contractors and grantees that the above-listed legislative provisions have been declared unconstitutional by the District Court for the Eastern District of New York.

Attachments

Block, Sharon - OCIA

From: Bencheck, Cindy - OSHA
Sent: Wednesday, March 31, 2010 12:19 PM
Cc: Grouke, Joan - OSHA; Caron, Dennis - OSHA; Granda, Geraldine - OSHA; Hoffman, Kris - OSHA; Dickson, James L - OSHA; Tate, Gregory - OSHA; Starkman, Philip - OSHA; Ramirez, Luis - OSHA; Tarver, Kevin - OSHA; Evans, Julia - OSHA; Newquist, John - OSHA; Galmore, Shumaine - OSHA; Choi, Marc - OSHA; Talmont, Mike - OSHA; Stevenson-Ortiz, Judy E. - OSHA; Chess, James - OSHA; Wheeler, Jacalyn - OSHA; Robertson, Donna - OSHA; Shulsky, Joanna - OSHA; Oba, Monica - OSHA; Luke, Marilyn - OSHA; Ha, Lavinia - OSHA; Eisenberg, Gail - OSHA; Pascua, Rachel - OSHA; Oborski, Pavlo - OSHA; Barnes, James - OSHA; Bencheck, Cindy - OSHA; Williams, Arlene - OSHA
Subject: Rescinding Prior Guidance on ACORN Funding Prohibitions
Importance: High

RE: Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations

ATTN: All Current Harwood Grantees

We previously advised you (October 2009) not to give grants or contracts to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations, because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. Section 163 has now been declared unconstitutional by the United States District Court for the Eastern District of New York. A similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, was also declared unconstitutional. Accordingly, our previous guidance directing you not to award funding to ACORN and affiliates is rescinded. Please disregard the earlier guidance, and also advise your sub-recipients, subcontractors and sub-grantees that sections 163 and 511 have been declared unconstitutional.

Please contact me via e-mail or by phone at 847-759-7726 if you need any additional information on this matter.

Cynthia Bencheck
Program Analyst
Harwood Training Grant Program

4/8/2010

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Zeit, Myron - SOL

From: Yerxa, Christopher W. - ASAM
Sent: Friday, April 02, 2010 4:17 PM
To: Borzi, Phyllis - EBSA; Kennedy, Brian - OCIA; Oates, Jane - ETA; Polaski, Sandra - ILAB; Jefferson, Raymond - VETS; Main, Joseph A - MSHA; Shiu, Patricia A - OFCCP; Martinez, Kathy - ODEP Assistant Secretary; Spriggs, William - ASP; Fillichio, Carl - OSEC; Lund, John - OLMS; Michaels, David - OSHA; Hall, Keith - BLS; Hallmark, Shelby - OWCP; Lacey, Daniel - OCFO; Lacey, Dan - BLS; Smith, M.Patricia - SOL; Leppink, Nancy - WHD; Petrole, Daniel - OIG; Primrose, Edna - ETA; Manzano-Diaz, Sara - WB; Igasaki, Paul - ARB; Dolder, Nancy - BRB; Koromilas, Alec J - ECAB; Montgomery, Edward - OSEC; Rooney, Nancy - SOL; Purcell, Stephen L. - OALJ; Kerr, Michael - ASAM
Cc: Veatch, Valerie - OASAM; Hugler, Edward - ASAM; Zeit, Myron - SOL; Stewart, Milton Al - OASAM; Navin, Jeffrey - OSEC; Archuleta, Katherine - OSEC; Seth Harris; Murray, Rawnette - OSEC; Cornale, Samuel - OSEC; Close, Nalini - EXECSEC; Deleon, Terri - EXECSEC; Heimlich, Judith - EXECSEC; Allen-Holmes, Tiffany - EXECSEC; zzDOL-ADMIN-OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP; zzDOL-CONTRACTING-GROUP
Subject: *IMPORTANT* Recent Memo Rescinding Prior Guidance on ACORN Funding Prohibitions *IMPORTANT*
Importance: High
Attachments: Agency Head Memorandum - Rescinding Prior Guidance on ACORN Funding Prohibitions (3-29-10).pdf; Agency Head Memorandum - Prohibitions on Funding for the Association of Community Organizations for Reform Now (ACORN) (10-13-09).pdf; Agency-Head-Memorandum-Rescinding-Prior-Guidance-on-ACORN-Funding-Prohibitions-3-29-10.pdf

PLEASE PASS ALONG TO APPROPRIATE STAFF

Sent on behalf of Ed Hugler:

The Office of the Solicitor today received an urgent notice from OMB's General Counsel's Office stating, in effect, that the U.S. Court of Appeals for the Second Circuit today (at least temporarily) restored the statutory prohibition on funding ACORN and ACORN-affiliates. The ACORN funding prohibition, derived from section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, had been overturned last month by the U.S. District Court for the Eastern District of New York as unconstitutional. The Government appealed the District Court Order to the Court of Appeals, and obtained the temporary restoration of the prohibition today.

We hope to issue updated guidance no later than Monday, but at this moment we are requesting a "freeze in place." Please refrain immediately from sending any further postal or electronic mail instructions to your contractors or grantees. We recognize that you may have already sent notices in response to my March 29 guidance. **We request that you stop sending any additional notices and await further instructions with regard to proceeding.**

Because of today's action by the appellate court, the April 2 reporting deadline established in my March 29 guidance (which is set forth below) is also cancelled. New reporting deadlines will be established when further instructions are issued.

Thanks for your attentive handling of this complex situation.

From: Yerxa, Christopher W. - ASAM

Sent: Monday, March 29, 2010 9:30 AM

To: Borzi, Phyllis - EBSA; Kennedy, Brian - OCIA; Oates, Jane - ETA; Polaski, Sandra - ILAB; Jefferson, Raymond - VETS; Main, Joseph A - MSHA; Shiu, Patricia A - OFCCP; Martinez, Kathy - ODEP Assistant Secretary; Spriggs, William - ASP; Fillichio, Carl - OSEC; Lund, John - OLMS; Michaels, David - OSHA; Hall, Keith - BLS; Hallmark, Shelby - OWCP; Lacey, Daniel - OCFO; Lacey, Dan - BLS; Smith, M.Patricia - SOL; Leppink, Nancy - WHD; Petrole, Daniel - OIG; Primrose, Edna - ETA; Manzano-Diaz, Sara - WB; Igasaki, Paul - ARB; Dolder, Nancy - BRB; Koromilas, Alec J - ECAB; Montgomery, Edward - OSEC; Rooney, Nancy - SOL; Purcell, Stephen L. - OALJ; Kerr, Michael - ASAM

Cc: Veatch, Valerie - OASAM; Hugler, Edward - ASAM; Zeitz, Myron - SOL; Stewart, Milton AI - OASAM; Navin, Jeffrey - OSEC; Archuleta, Katherine - OSEC; Seth Harris; Murray, Rawnette - OSEC; Cornale, Samuel - OSEC; Close, Nalini - EXECSEC; Deleon, Terri - EXECSEC; Heimlich, Judith - EXECSEC; Allen-Holmes, Tiffany - EXECSEC; zzDOL-ADMIN-OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP

Subject: Agency Head Memorandum - Rescinding Prior Guidance on ACORN Funding Prohibitions (3-29-2010)

Good morning,

Please find the attached Agency Head memorandum from Deputy Assistant Secretary Ed Hugler rescinding prior guidance on ACORN funding prohibitions.

Please note the **April 2 due date** for reporting the status of notification of this rescinded guidance to your contractors, grantees, and purchase cardholders.

Contact Valerie Veatch (Veatch.Valerie@dol.gov) if you have any questions.

Best,
Chris

Christopher W. Yerxa | Administrative Officer
Office of the Assistant Secretary for Administration and Management
U.S. Department of Labor | www.dol.gov | yerxa.christopher@dol.gov
Office: (202) 693-4040 | Direct: (202) 693-4050 | Fax: (202) 693-4055

Agency Head Memorandum:



Agency Head
emorandum - Resci.

Attachment - October 13, 2009, guidance:



Agency Head
emorandum - Prohi.

Accessible PDF of Agency Head Memorandum:

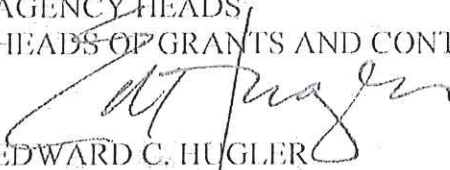


Agency-Head-Mem
orandum-Rescind...



MAY 29 2010

MEMORANDUM FOR AGENCY HEADS
HEADS OF GRANTS AND CONTRACTING ACTIVITIES

FROM: 
EDWARD C. HUGLER
Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT: Rescinding Prior Guidance on ACORN Funding Prohibitions

This memorandum provides new instructions and rescinds prior Office of Management and Budget and Department of Labor (DOL) guidance on the Association of Community Organizations for Reform Now or any of its affiliates, subsidiaries, or allied organizations ("ACORN") funding prohibitions because the pertinent legislative provisions have been declared unconstitutional by the United States District Court for the Eastern District of New York.

We previously advised you not to give grants or contracts to ACORN because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. With the District Court's ruling declaring this provision and a similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, unconstitutional, our previous guidance of October 13, 2009, (attached) is hereby rescinded.

To effectuate this guidance I ask that you promptly inform your contractors, grantees, and purchase cardholders. To facilitate the necessary notification, the following model instruction is provided:

We previously advised you not to give grants or contracts to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations, because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. Section 163 has now been declared unconstitutional by the United States District Court for the Eastern District of New York. A similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, was also declared unconstitutional. Accordingly, our previous guidance directing you not to award funding to ACORN and affiliates is rescinded. Please disregard the earlier guidance, and also advise your sub-recipients, subcontractors and sub-grantees that sections 163 and 511 have been declared unconstitutional.

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To document our conformance with the District Court's ruling, please report the status of notification to your contractors, grantees, and purchase cardholders to Valerie Veatch, Director, Office of Acquisition Management Services by Friday April 2, 2010. If you have any questions, please have your staff contact Valerie Veatch at veatch.valerie@dol.gov or 202-693-7245.

Thank you for your prompt attention and cooperation.

Attachment

March 29, 2010

MEMORANDUM FOR AGENCY HEADS
HEADS OF GRANTS AND CONTRACTING ACTIVITES

/S/

FROM: EDWARD C. HUGLER
Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT: Rescinding Prior Guidance on ACORN Funding Prohibitions

This memorandum provides new instructions and rescinds prior Office of Management and Budget and Department of Labor (DOL) guidance on the Association of Community Organizations for Reform Now or any of its affiliates, subsidiaries, or allied organizations (“ACORN”) funding prohibitions because the pertinent legislative provisions have been declared unconstitutional by the United States District Court for the Eastern District of New York.

We previously advised you not to give grants or contracts to ACORN because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. With the District Court’s ruling declaring this provision and a similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, unconstitutional, our previous guidance of October 13, 2009, (attached) is hereby rescinded.

To effectuate this guidance I ask that you promptly inform your contractors, grantees, and purchase cardholders. To facilitate the necessary notification, the following model instruction is provided:

We previously advised you not to give grants or contracts to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, or allied organizations, because of a prohibition in section 163 of the Continuing Appropriations Resolution, 2010, Division B of Public Law 111-68. Section 163 has now been declared unconstitutional by the United States District Court for the Eastern District of New York. A similar provision in section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, was also declared unconstitutional. Accordingly, our previous guidance directing you not to award funding to ACORN and affiliates is rescinded. Please disregard the earlier guidance, and also advise your sub-recipients, subcontractors and sub-grantees that sections 163 and 511 have been declared unconstitutional.

To document our conformance with the District Court's ruling, please report the status of notification to your contractors, grantees, and purchase cardholders to Valerie Veatch, Director, Office of Acquisition Management Services by Friday April 2, 2010. If you have any questions, please have your staff contact Valerie Veatch at veatch.valerie@dol.gov or 202-693-7245.

Thank you for your prompt attention and cooperation.

Attachment



OCT 13 2009

MEMORANDUM FOR AGENCY HEADS

FROM:

EDWARD C. HUGLER

Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT:

Prohibitions on Funding for the Association of
Community Organizations for Reform Now (ACORN)

This memorandum provides guidance regarding the implementation of new statutory restrictions against funding for ACORN.

Background

In section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68), Congress included prohibitions against funding for the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations. In an October 7, 2009, Memorandum for the Heads of Executive Departments and Agencies (attached), the Office of Management and Budget (OMB) issued guidance for the implementation of these statutory restrictions. The funding restrictions apply to:

- Current funding;
- Past funding which has not yet been obligated on contracts or grants; and
- Subcontracts and subrecipients.

Action Required

To comply with the law and the OMB guidance, the Department must immediately take *three specific steps* relating to new funding awards and current actions:

(1) New awards. Any planned procurement or grant being processed by your Agency should be reviewed to ensure that *funding is not issued* to ACORN or any of its affiliates, subsidiaries, or allied organizations. All new awards shall be modified to incorporate language similar to the following:

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009, that section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68, requires no funding of Association of Community Organizations for Reform Now

(ACORN) or any of its affiliates, subsidiaries, or allied organizations through Federal grantees or contractors. No funding applied to this action shall be provided to ACORN or any of its affiliates, subsidiaries, or allied organizations. OMB memorandum M-10-02 is available at: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf

(2) Current Contracts with the Prohibited Sources. Each agency is to review its current contracts and grants to determine whether they have any awards to ACORN or any of its affiliates, subsidiaries, or allied organizations. If your agency has any existing contractual or grant relationship with this organization or any of its affiliates, subsidiaries, or allied organizations, you must:

- Seek *suspension of grant and contractual payments*;
- Immediately contact the Office of the Solicitor (SOL) and the contracting officer or grants officer to assess whether it is permissible to immediately suspend performance of any obligations under the contract or agreement, including payment of Federal funds; and
- Develop an action plan in consultation with SOL and, if necessary, OMB and the Department of Justice concerning the legal considerations that bear on the performance of such obligations under the existing contract or agreement. A copy of your Agency's action plan for suspension of grant and contractual payments should be provided to Al Stewart, the DOL Procurement Executive, in OASAM's Business Operations Center.

(3) Funding through Federal Grantees or Contractors. The Department is required to advise each of its grant and contract recipients:

- Not to provide Federal funds to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients, consistent with this guidance; and
- To notify the Department of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its affiliates and of how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts, or subrecipient agreements.

Each Agency is to work with its contracting and grants office to develop a plan to disseminate the required information to grantees and contractors. Suggested language for the notice is provided below:

All contractors and grantees of the Department of Labor (DOL) are hereby advised per EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET MEMORANDUM M-10-02, issued October 7, 2009, that section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68), requires no funding of Association of Community Organizations for Reform Now (ACORN) and its affiliates through Federal grantees or contractors. DOL is required to take steps so that no Federal funds are awarded or obligated by DOL grantees or contractors to ACORN or its affiliates as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee).

In the event you have an active grant or contract that provides DOL funding to ACORN or any of its affiliates, subsidiaries, or allied organizations, you are required to notify DOL of any existing subgrants, subcontracts or other subrecipient agreements with ACORN or its affiliates and provide a discussion of how your organization will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer, in writing. OMB memorandum M-10-02 is available at: http://www.whitehouse.gov/omb/assets/memoranda_2010/m10-02.pdf

Each Agency Head is asked to review the steps required to comply with the statutory prohibitions against ACORN funding and provide a report that identifies your Agency's response to the contract and grants award planning, current contract and grants, and notification of grantees and contractors of subrecipient or subcontract funding prohibition under section 163 of the Continuing Appropriations Resolution, 2010, Division B of Pub. L. No. 111-68 (CR). Please provide your report to me not later than Monday, October 19, 2009.

If you have any questions, please have your staff contact Valerie Veatch, Director Office of Acquisition Management, at 693-7245.

Thank you for your prompt attention and cooperation.

Attachment

Rescinded

Zeitz, Myron - SOL

From: Yerxa, Christopher W. - ASAM
Sent: Monday, April 05, 2010 4:22 PM
To: Borzi, Phyllis - EBSA; Kennedy, Brian - OCIA; Oates, Jane - ETA; Polaski, Sandra - ILAB; Jefferson, Raymond - VETS; Main, Joseph A - MSHA; Shiu, Patricia A - OFCCP; Martinez, Kathy - ODEP Assistant Secretary; Spriggs, William - ASP; Fillichio, Carl - OSEC; Lund, John - OLMS; Michaels, David - OSHA; Hall, Keith - BLS; Hallmark, Shelby - OWCP; Lacey, Daniel - OCFO; Lacey, Dan - BLS; Smith, M.Patricia - SOL; Leppink, Nancy - WHD; Petrole, Daniel - OIG; Primrose, Edna - ETA; Manzano-Diaz, Sara - WB; Igasaki, Paul - ARB; Dolder, Nancy - BRB; Koromilas, Alec J - ECAB; Montgomery, Edward - OSEC; Rooney, Nancy - SOL; Purcell, Stephen L. - OALJ; Kerr, Michael - ASAM
Cc: Veatch, Valerie - OASAM; Hugler, Edward - ASAM; Zeitz, Myron - SOL; Stewart, Milton AI - OASAM; Navin, Jeffrey - OSEC; Archuleta, Katherine - OSEC; Seth Harris; Murray, Rawnette - OSEC; Cornale, Samuel - OSEC; Close, Nalini - EXECSEC; Deleon, Terri - EXECSEC; Heimlich, Judith - EXECSEC; Allen-Holmes, Tiffany - EXECSEC; zzDOL-ADMIN-OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP; zzDOL-CONTRACTING-GROUP
Subject: Agency Head Memo - Restoration of Prohibitions on Funding for ACORN (4-5-10)
Attachments: Memorandum for Agency Heads - Restoration of Prohibitions on Funding for ACORN (4-5-10).pdf; AgencyHeadMemo-Restoration-of-Prohibitions-on-Funding-for-ACORN.pdf

Good afternoon,
 Following up on Mr. Hugler's note from Friday (below), attached is updated guidance on the restoration of prohibitions on funding for ACORN.

Please contact Valerie Veatch if you have any questions.

Best,
 Chris

Christopher W. Yerxa | Administrative Officer
 Office of the Assistant Secretary for Administration and Management
 U.S. Department of Labor | www.dol.gov | yerxa.christopher@dol.gov
 Office: (202) 693-4040 | Direct: (202) 693-4050 | Fax: (202) 693-4055

Agency Head Memorandum:



Memorandum for
 Agency Heads - ...

Accessible PDF of Agency Head Memorandum:



AgencyHeadMemo-
 Restoration-of-...

From: Yerxa, Christopher W. - ASAM
Sent: Friday, April 02, 2010 4:17 PM
To: Borzi, Phyllis - EBSA; Kennedy, Brian - OCIA; Oates, Jane - ETA; Polaski, Sandra - ILAB; Jefferson, Raymond - VETS; Main, Joseph A - MSHA; Shiu, Patricia A - OFCCP; Martinez, Kathy - ODEP Assistant Secretary; Spriggs, William - ASP; Fillichio, Carl - OSEC; Lund, John - OLMS; Michaels, David - OSHA; Hall, Keith - BLS; Hallmark, Shelby - OWCP; Lacey, Daniel - OCFO; Lacey, Dan - BLS; Smith, M.Patricia - SOL; Leppink, Nancy - WHD; Petrole, Daniel - OIG; Primrose, Edna - ETA; Manzano-Diaz, Sara - WB; Igasaki, Paul - ARB; Dolder, Nancy - BRB; Koromilas, Alec J - ECAB; Montgomery, Edward - OSEC; Rooney, Nancy - SOL; Purcell, Stephen L. - OALJ; Kerr, Michael - ASAM
Cc: Veatch, Valerie - OASAM; Hugler, Edward - ASAM; Zeitz, Myron - SOL; Stewart, Milton AI - OASAM; Navin, Jeffrey - OSEC; Archuleta, Katherine - OSEC; Seth Harris; Murray, Rawnette - OSEC; Cornale, Samuel - OSEC; Close, Nalini - EXECSEC; Deleon, Terri - EXECSEC; Heimlich, Judith - EXECSEC; Allen-Holmes, Tiffany - EXECSEC; zzDOL-ADMIN-

OFFICERS GROUP; zzOASAM-CLIENT-AGENCIES GROUP; zzDOL-CONTRACTING-GROUP

Subject: *IMPORTANT* Recent Memo Rescinding Prior Guidance on ACORN Funding Prohibitions *IMPORTANT*

Importance: High

PLEASE PASS ALONG TO APPROPRIATE STAFF

Sent on behalf of Ed Hugler:

The Office of the Solicitor today received an urgent notice from OMB’s General Counsel’s Office stating, in effect, that the U.S. Court of Appeals for the Second Circuit today (at least temporarily) restored the statutory prohibition on funding ACORN and ACORN-affiliates. The ACORN funding prohibition, derived from section 511 of the Consolidated Appropriations Act, 2010, P.L. 111-117, Division E, had been overturned last month by the U.S. District Court for the Eastern District of New York as unconstitutional. The Government appealed the District Court Order to the Court of Appeals, and obtained the temporary restoration of the prohibition today.

We hope to issue updated guidance no later than Monday, but at this moment we are requesting a “freeze in place.” Please refrain immediately from sending any further postal or electronic mail instructions to your contractors or grantees. We recognize that you may have already sent notices in response to my March 29 guidance. **We request that you stop sending any additional notices and await further instructions with regard to proceeding.**

Because of today’s action by the appellate court, the April 2 reporting deadline established in my March 29 guidance (which is set forth below) is also cancelled. New reporting deadlines will be established when further instructions are issued.

Thanks for your attentive handling of this complex situation.

April 5, 2010

MEMORANDUM FOR AGENCY HEADS

/S/

FROM: EDWARD C. HUGLER
Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT: Restoration of Prohibitions on Funding for the Association of
Community Organizations for Reform Now (ACORN)

This memorandum supersedes previous guidance regarding the implementation of a recent statutory restriction against funding for Association of Community Organizations for Reform Now (“ACORN”). This guidance is the result of a further court order that was issued by the U.S. Court of Appeals for the Second Circuit on Friday, April 2, 2010. Based on this court order, as of now, federal funds may *not* be provided from the Consolidated Appropriations Act, 2010, P.L. 111-117 to ACORN or its subsidiaries.

Background

This memorandum provides new instructions and guidance for providing direct or indirect funding to ACORN. On October 13, 2009, the Department issued a Notice and guidance explaining that section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68) (“CAR”) prohibited the federal government from providing funding to ACORN or any of its affiliates, subsidiaries, or allied organizations from either the CAR or any prior appropriation. P.L. 111-68 expired on December 18, 2009. However, on December 16, 2009, Congress enacted the Consolidated Appropriations Act, 2010, P.L. 111-117 (“CAA”). Section 511 of CAA Division E continues the prohibition of any use of federal funds from the CAA to ACORN and its subsidiaries. On March 10, 2010, the United States District Court for the Eastern District of New York declared the CAR and CAA ACORN prohibitions unconstitutional, and enjoined the federal government from enforcing the CAA ACORN prohibitions. Accordingly, on March 29, 2010, we rescinded our prior guidance, and directed that agencies are authorized to provide money from CAA funds to ACORN and its subsidiaries. On Friday, April 2, 2010, the U.S. Court of Appeals for the Second Circuit issued a temporary stay of the district court’s March 10th injunction. Therefore, as of now, federal funds may *not* be provided from the CAA to ACORN or its subsidiaries.

Action Required

To comply with the latest court order, the Department must immediately take three specific steps relating to new funding awards and current actions related to ACORN and its subsidiaries:

(1) New awards. Any planned procurement or grant being processed by your Agency should be reviewed to ensure that ***funding is not issued from the CAA*** to ACORN or any of its subsidiaries. All new awards shall be modified to incorporate language similar to the following:

All contractors and grantees of the Department of Labor (DOL) are hereby advised that section 511 of the Consolidated Appropriations Act, 2010 (P.L. 111-117, Division E) requires that no funding from the Consolidated Appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries through Federal grantees or contractors. No funding applied to this action shall be provided to ACORN or any of its subsidiaries.

(2) Current Contracts with the Prohibited Sources. Each agency is to review its current contracts and grants to determine whether they have any awards to ACORN or any of its subsidiaries that have been funded by the Consolidated Appropriations Act, 2010 (CAA). If your agency has such a contractual or grant relationship with this organization or any of its subsidiaries, you must:

- ***Seek suspension of grant and contractual payments funded by the Consolidated Appropriations Act, 2010;***
- Immediately contact the Office of the Solicitor (SOL) and the contracting officer or grants officer to assess whether it is permissible to immediately suspend performance of any obligations under the contract or agreement, including payment of Federal funds; and
- Develop an action plan in consultation with SOL concerning the legal considerations that bear on the performance of such obligations under the existing contract or agreement. A copy of your Agency's action plan for suspension of grant and contractual payments should be provided to Al Stewart, the DOL Procurement Executive, in OASAM's Business Operations Center.

(3) Funding through Federal Grantees or Contractors. The Department is required to advise each of its grant and contract recipients:

- Not to provide Federal funds from the Consolidated Appropriations Act, 2010 (CAA) to ACORN or its subsidiaries, consistent with this guidance; and
- To notify the Department of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its subsidiaries, and explain how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts, or subrecipient agreements.

Each Agency is to work with its contracting and grants office to develop a plan to disseminate the required information to grantees and contractors. Suggested language for the notice is provided below:

All contractors and grantees of the Department of Labor (DOL) are hereby advised that section 511 of the Consolidated Appropriations Act, 2010 (CAA; P.L. 111-117, Division E), requires that no direct or indirect funding from the Consolidated Appropriations Act may be provided to the Association of Community Organizations for Reform Now

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(ACORN) or any of its subsidiaries through Federal grantees or contractors. DOL is required to take steps so that no Federal funds from the Consolidated Appropriations Act, 2010, are awarded or obligated by DOL grantees or contractors to ACORN or its subsidiaries as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee). In the event you have an active grant or contract that provides DOL funding from the Consolidated Appropriations Act, 2010, to ACORN or any of its subsidiaries, you are required to notify DOL of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its subsidiaries, and provide a discussion of how your organization will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer in writing.

Each Agency Head is asked to review the steps required to comply with the statutory prohibition against ACORN funding. If you have any questions, please have your staff contact Valerie Veatch, Director Office of Acquisition Management, at 693-7245.


Thank you for your prompt attention and cooperation.



APR - 5 2010

MEMORANDUM FOR AGENCY HEADS

FROM:


EDWARD C. HUGLER
Deputy Assistant Secretary for Administration and Management,
Senior Procurement Executive

SUBJECT:

Restoration of Prohibitions on Funding for the Association of
Community Organizations for Reform Now (ACORN)

This memorandum supersedes previous guidance regarding the implementation of a recent statutory restriction against funding for Association of Community Organizations for Reform Now ("ACORN"). This guidance is the result of a further court order that was issued by the U.S. Court of Appeals for the Second Circuit on Friday, April 2, 2010. Based on this court order, as of now, federal funds may *not* be provided from the Consolidated Appropriations Act, 2010, P.L. 111-117 to ACORN or its subsidiaries.

Background

This memorandum provides new instructions and guidance for providing direct or indirect funding to ACORN. On October 13, 2009, the Department issued a Notice and guidance explaining that section 163 of Division B of the Continuing Appropriations Resolution, 2010 (Pub. L. No. 111-68) ("CAR") prohibited the federal government from providing funding to ACORN or any of its affiliates, subsidiaries, or allied organizations from either the CAR or any prior appropriation. P.L. 111-68 expired on December 18, 2009. However, on December 16, 2009, Congress enacted the Consolidated Appropriations Act, 2010, P.L. 111-117 ("CAA"). Section 511 of CAA Division E continues the prohibition of any use of federal funds from the CAA to ACORN and its subsidiaries. On March 10, 2010, the United States District Court for the Eastern District of New York declared the CAR and CAA ACORN prohibitions unconstitutional, and enjoined the federal government from enforcing the CAA ACORN prohibitions. Accordingly, on March 29, 2010, we rescinded our prior guidance, and directed that agencies are authorized to provide money from CAA funds to ACORN and its subsidiaries. On Friday, April 2, 2010, the U.S. Court of Appeals for the Second Circuit issued a temporary stay of the district court's March 10th injunction. Therefore, as of now, federal funds may *not* be provided from the CAA to ACORN or its subsidiaries.

Action Required

To comply with the latest court order, the Department must immediately take three specific steps relating to new funding awards and current actions related to ACORN and its subsidiaries:

(1) New awards. Any planned procurement or grant being processed by your Agency should be reviewed to ensure that *funding is not issued from the CAA* to ACORN or any of its subsidiaries. All new awards shall be modified to incorporate language similar to the following:

All contractors and grantees of the Department of Labor (DOL) are hereby advised that section 511 of the Consolidated Appropriations Act, 2010 (P.L. 111-117, Division E) requires that no funding from the Consolidated Appropriations Act may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries through Federal grantees or contractors. No funding applied to this action shall be provided to ACORN or any of its subsidiaries.

(2) Current Contracts with the Prohibited Sources. Each agency is to review its current contracts and grants to determine whether they have any awards to ACORN or any of its subsidiaries that have been funded by the Consolidated Appropriations Act, 2010 (CAA). If your agency has such a contractual or grant relationship with this organization or any of its subsidiaries, you must:

- *Seek suspension of grant and contractual payments funded by the Consolidated Appropriations Act, 2010;*
- Immediately contact the Office of the Solicitor (SOL) and the contracting officer or grants officer to assess whether it is permissible to immediately suspend performance of any obligations under the contract or agreement, including payment of Federal funds; and
- Develop an action plan in consultation with SOL concerning the legal considerations that bear on the performance of such obligations under the existing contract or agreement. A copy of your Agency's action plan for suspension of grant and contractual payments should be provided to Al Stewart, the DOL Procurement Executive, in OASAM's Business Operations Center.

(3) Funding through Federal Grantees or Contractors. The Department is required to advise each of its grant and contract recipients:

- Not to provide Federal funds from the Consolidated Appropriations Act, 2010 (CAA) to ACORN or its subsidiaries, consistent with this guidance; and
- To notify the Department of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its subsidiaries, and explain how the grantee or contractor is planning to comply with the prohibition with respect to those subgrants, subcontracts, or subrecipient agreements.

Each Agency is to work with its contracting and grants office to develop a plan to disseminate the required information to grantees and contractors. Suggested language for the notice is provided below:

All contractors and grantees of the Department of Labor (DOL) are hereby advised that section 511 of the Consolidated Appropriations Act, 2010 (CAA; P.L. 111-117, Division E), requires that no direct or indirect funding from the Consolidated Appropriations Act may be provided to the Association of Community Organizations for Reform Now

(ACORN) or any of its subsidiaries through Federal grantees or contractors. DOL is required to take steps so that no Federal funds from the Consolidated Appropriations Act, 2010, are awarded or obligated by DOL grantees or contractors to ACORN or its subsidiaries as subgrantees, subcontractors, or other subrecipients. This prohibition applies not only to a direct recipient of Federal funds but also to a subrecipient (e.g., a subcontractor, subgrantee, or contractor of a grantee). In the event you have an active grant or contract that provides DOL funding from the Consolidated Appropriations Act, 2010, to ACORN or any of its subsidiaries, you are required to notify DOL of any existing subgrants, subcontracts, or other subrecipient agreements with ACORN or its subsidiaries, and provide a discussion of how your organization will comply with the prohibition with respect to those subgrants, subcontracts or subrecipient agreements. Notices shall be submitted to your DOL contracting or grants officer in writing.

Each Agency Head is asked to review the steps required to comply with the statutory prohibition against ACORN funding. If you have any questions, please have your staff contact Valerie Veatch, Director Office of Acquisition Management, at 693-7245.

Thank you for your prompt attention and cooperation.