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| 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 *Jane Oates*
 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.

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| 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

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

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

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.

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.

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

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