

U.S. Department of Energy
Executive Secretariat - Correspondence Control
Folder Profile with Route History
EXEC-2010-004759

1. Title: **Memorandum to Secretary Steven Chu from Peter R. Orszag, Director, Office of the Management and Budget, The White House**

Subject: Informs the Department of Energy regarding the District Court Ruling on Appropriations Provisions regarding the Association of Community Organizations for Reform Now

Control Number: **EXEC-2010-004759**

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| Assigned To: | GC | Correspondence Date: | 16-Mar-2010 |
| Signature Level: | NA | Date Received: | 18-Mar-2010 12:00PM |
| Addressee Office: | Steven Chu | Due Date: | |
| Action Requested: | Program Determination | Completed Date: | 18-Mar-2010 12:00AM |
| Priority: | Essential Critical | Status: | completed |
| Entered by: | Holloway, Geneva | Date Created: | 18-Mar-2010 1:17PM |
| POC: | Holloway, Geneva | | |
| Program Contact: | | | |
| External Assign to: | | Source: | WH |
| Prog Office Number: | | Contact Types: | |
| Sensitivity: | None | Topic: | |
| Trigger Event: | Memo | Reference: | |
| Special Instructions: | | | |

Latest comment and history:

History:

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| - 3/18/2010 1:22PM - [Case Import] from Holloway, Geneva to Holloway, Geneva | finished |
| 03/18/2010 02:01PM - Accepted by Holloway, Geneva - Completed on 3/18/2010 2:04PM | |
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| - 3/18/2010 2:04PM - [IA Review and Select WF Route] from Holloway, Geneva to edocs_execsec_ia | finished |
| 03/18/2010 03:28PM - Accepted by Holloway, Geneva - Completed on 3/18/2010 3:29PM | |
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| - 3/18/2010 3:29PM - [Program Office Review] from Holloway, Geneva to edocs_execsec_gc | dormant |
| Waiting for edocs_execsec_gc to accept | |

End of section for route: 37c6a



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