



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

MAY 25 2010

MEMORANDUM FOR DISTRIBUTION

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

By attached memorandum dated April 22, 2010, the Director of Defense Procurement and Acquisition Policy (DPAP) rescinded the former DPAP guidance, issued on October 20, 2009, prohibiting the obligation or award of any Federal funds to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates. In addition, the DPAP April 22, 2010 memorandum highlights a recent Office of Management and Budget (OMB) memorandum, M-10-12 dated March 16, 2010, which conveyed a ruling by the United States District Court for the Eastern District of New York. The OMB memorandum indicated that the District Court had issued an opinion, declaratory judgment, and permanent injunction concluding that the funding prohibitions regarding ACORN and its affiliates in Section 163 of the Fiscal Year (FY) 2010 Continuing Resolution and in several of the FY 2010 appropriation acts are unconstitutional "bills of attainder" under Article I, Section 9 of the United States Constitution. The DPAP memorandum provides a website where the OMB memorandum can be found.

It is requested that all appropriate personnel be advised that the above referenced appropriation acts' funding prohibitions relating to ACORN and its affiliates have been declared unconstitutional by the District Court for the Eastern District of New York.

My point of contact for this matter is Mr. Clarence Belton. He can be reached at clarence.belton@navy.mil or (703) 693-4006.

Elliott B. Branch
Elliott B. Branch
Executive Director
DASN (A&LM)

Attachment:
As stated

Distribution:
See next page

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Regarding the Association of Community Organizations for Reform
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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

APR 22 2010

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND (ATTN: ACQUISITION EXECUTIVE)
DEPUTY ASSISTANT SECRETARY OF THE ARMY
(PROCUREMENT), DASA(P)
DEPUTY ASSISTANT SECRETARY OF THE NAVY
(ACQUISITION & LOGISTICS MANAGEMENT),
DASN(A&LM)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(CONTRACTING), SAF/AQC
DIRECTORS, DEFENSE AGENCIES
DIRECTORS, DOD FIELD ACTIVITIES

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

The subject memo, dated October 20, 2009, is hereby rescinded. The Director, Office of Management and Budget issued memorandum M-10-12 dated March 16, 2010, to the heads of executive departments and agencies, Subject: District Court ruling on appropriations provisions regarding the Association of Community Organizations for Reform Now (ACORN). The memorandum stated that the United States District Court for the Eastern District of New York issued an opinion, declaratory judgment, and permanent injunction concluding that the funding prohibitions previously identified are unconstitutional "bills of attainder" under Article I, Section 9 of the United States Constitution. The OMB memorandum can be found at www.whitehouse.gov/omb/assets/memoranda_2010/m10-12.pdf.

The point of contact for contracts is Sandra Ross, 703-695-9774 or Sandra.ross@osd.mil and for grants is Dr. Mark Herbst, 703-588-1377 or mark.herbst@osd.mil.

Shay D. Assad
Director, Defense Procurement
and Acquisition Policy