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Testimony
Before the Subcommittee on Oversight and Investigations, Committee on Financial Services, House of Representatives

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Violation of Anti-Lobbying Provision and the Antideficiency Act

Statement of Edda Emmanuelli Perez,
Managing Associate General Counsel
Office of General Counsel

Chairman Duffy, Vice Chairman Fitzpatrick, Ranking Member Green, and members of the subcommittee:

I am GAO's Managing Associate General Counsel responsible for GAO's appropriations law decisions and opinions. I am pleased to be here today to discuss our September 9, 2014, opinion concerning the Department of Housing and Urban Development's (HUD) use of appropriations to prepare and transmit an e-mail encouraging members of the public to contact specific senators regarding pending legislation.[1] A copy of the opinion can be found in the appendix to this statement.

In the opinion, we determined that HUD violated an appropriations provision prohibiting the use of appropriated funds for indirect or grassroots lobbying in support of or in opposition to pending legislation. Because no funds were available for such purpose, HUD's actions also violated the Antideficiency Act, a fiscal statute central to Congress's constitutional power of the purse.

As you may know, GAO provides legal decisions and opinions to Congress, its committees and Members, and federal agency officials.[2] This function is different from GAO's more widely-known audits and investigations.[3] Our authority to issue appropriations law decisions and opinions is drawn from the Comptroller General's authority to settle the accounts of the United States and a statutory direction to issue decisions upon the request of certain federal officials in advance of a payment of appropriated funds.[4] Our decisions and opinions are informed by facts and views that we solicit from the agency whose appropriation is at issue in the opinion. All of our decisions and opinions are publicly available on our Web site, www.gao.gov/legal.

[1] B-325248, Sept. 9, 2014. *Reprinted in* Appendix I.

[2] GAO, *Principles of Federal Appropriations Law*, Vol. I, 3rd ed., ch. 1, § C.2, GAO-04-261SP (Washington, D.C.: Jan. 2004). GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), *available at* www.gao.gov/legal/resources.html.

[3] *See* 31 U.S.C. § 712. Congress provides GAO with general authority to investigate the receipt, disbursement, and use of public funds, as well as other, more specific audit authorities. *Id.*

[4] 31 U.S.C. §§ 3526–3529.

In this instance, we received a request for an opinion from Representative McHenry, this subcommittee's previous Chairman. Representative McHenry expressed concern about an e-mail sent by the Deputy Secretary of HUD to "friends and colleagues" on July 31, 2013. He asked GAO whether HUD violated any anti-lobbying provisions by transmitting the e-mail.

Section 716 of the Financial Services and General Government Appropriations Act, 2012, which was carried forward by the Consolidated and Further Continuing Appropriations Act, 2013, prohibits the use of appropriated funds for indirect or grassroots lobbying in support of or in opposition to pending legislation.[5] Specifically, the prohibition states as follows:

> "No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself."[6]

As agreed upon with our requesters, we relied on the facts as determined through the investigation into this matter conducted by HUD's Office of Inspector General (OIG), as well as information that HUD provided to the subcommittee. We learned that the e-mail in question transmitted by the Deputy Secretary of HUD requested that recipients contact 17 named senators in support of the Senate's version of the Department of Transportation, HUD, and Related Agencies appropriations bill for fiscal year 2014, which was pending in the Senate at the time. The e-mail emphatically urged recipients to encourage the senators to vote in favor of procedural motions to advance consideration of the bill, to oppose specific amendments HUD considered harmful to the bill, and to vote in support of the bill itself. Among the over 1000 recipients of the Deputy

[5] Pub. L. No. 112-74, div. C, title VII, § 716, 125 Stat. 786, 933 (Dec. 23, 2011), *as carried forward by* Pub. L. No. 113-6, div. F, title I, §§ 1101(a)(2), 1102, 1105, 127 Stat. 198, 412–13 (Mar. 26, 2013).

[6] Pub. L. No. 112-74, § 716.

Secretary's e-mail, were individuals from organizations that have engaged with HUD on housing issues, whose contact information HUD retained in the ordinary course of its work.

We concluded that HUD violated section 716 by preparing and transmitting the e-mail. The appropriations provision prohibits indirect or grassroots lobbying urging support or opposition of legislation pending before Congress. Therefore, the provision is violated when there is evidence of a clear appeal by an agency to the public to contact Members of Congress in support of or in opposition to pending legislation. Here, the Deputy Secretary's e-mail made several clear appeals to the public to contact Members of Congress regarding HUD's pending appropriations bill.

HUD did not deny that it engaged in grassroots lobbying. Rather, HUD emphasized that the e-mail was sent by its Deputy Secretary, who is a Presidentially-Appointed and Senate-Confirmed (PAS) official. Noting that the Department of Justice's (DOJ) Office of Legal Counsel (OLC) has opined that a similar anti-lobbying provision enforced by DOJ, 18 U.S.C. § 1913, does not restrict the activities of certain executive branch officials—a position on which some federal agencies have relied to determine that lobbying restrictions contained in appropriations laws also do not apply to PAS officials—HUD asserted that its Deputy Secretary's e-mail was consistent with this guidance, as it was sent by a PAS official. DOJ exempts certain executive branch officials from application of section 1913 in view of the advocacy nature of such positions, and, further, believes exemption is necessary to avoid interference with the President's constitutional powers. Nevertheless, DOJ does caution against such officials engaging in the sort of lobbying activity section 1913 was intended to prevent. As we stated in our opinion, we do not agree that the Deputy Secretary is exempt from the appropriations provision. While the provision would not prevent the Deputy Secretary from engaging in normal executive-legislative relationships or from communicating HUD's views directly to the public, there is a bright-line rule prohibiting a clear agency appeal to the public to contact Members of Congress in support of or in opposition to pending legislation.

By using its appropriated funds in violation of the prohibition, HUD also violated the Antideficiency Act. The Antideficiency Act is one of the major fiscal laws by which Congress enforces its constitutional control of the

public purse. The Antideficiency Act is a funds control statute designed to implement agency fiscal discipline. Under the Act, an officer or employee of the U.S. Government may not make or authorize an obligation[7] or expenditure exceeding the amount of an available appropriation.[8] The legal effect of section 716 is to make no funds available to HUD for indirect or grassroots lobbying regarding pending legislation. Accordingly, by obligating and expending funds to prepare and transmit the e-mail in question, HUD spent funds in excess of those available, therefore violating the Antideficiency Act. Executive agencies must report Antideficiency Act violations to the President and Congress, and transmit copies of their reports to GAO.[9] The Office of Management and Budget provides guidance to executive agencies on reporting violations.[10]

If you or your staff have any questions about this testimony, please contact me at (202) 512-2853 or EmmanuelliPerezE@gao.gov. Contact points for our Office of Congressional Relations and Office of Public Affairs may be found on the last page of this statement. Julie Matta, Assistant General Counsel, and Shari Brewster, Senior Staff Attorney, made key contributions to this statement.

Thank you, Mr. Chairman. This concludes my prepared statement. I would be happy to answer any questions that you or other members of the subcommittee have at this time.

[7] In federal fiscal law, an obligation is a "definite commitment that creates a legal liability of the government for the payment of goods [or] services ordered or received, or a legal duty on the part of the United States that could mature into a legal liability by virtue of actions on the part of [another] party beyond the control of the United States." GAO, *A Glossary of Terms Used in the Federal Budget Process*, GAO-05-734SP (Washington, D.C.: Sept. 2005), at 70.

[8] 31 U.S.C. § 1341.

[9] *Id.* § 1351.

[10] OMB Circular No. A-11, *Preparation, Submission, and Execution of the Budget*, pt. 4, § 145 (July 25, 2014). To date, we are unaware that HUD has reported its Antideficiency Act violation.

Appendix I: GAO Opinion to the Chairman of the House Financial Services Subcommittee on Oversight and Investigations

GAO U.S. GOVERNMENT ACCOUNTABILITY OFFICE
Comptroller General of the United States
United States Government Accountability Office
Washington, DC 20548

B-325248

September 9, 2014

The Honorable Patrick McHenry
Chairman
Subcommittee on Oversight and Investigations
Committee on Financial Services
House of Representatives

Subject: *Department of Housing and Urban Development—Anti-Lobbying Provisions*

Dear Mr. Chairman:

This responds to your request for our opinion concerning whether a July 31, 2013, e-mail communication (July 2013 E-mail) sent by the Deputy Secretary of the Department of Housing and Urban Development (HUD) to "friends and colleagues" violated any anti-lobbying provisions. *See* Letter from Chairman, Subcommittee on Oversight and Investigations, Committee on Financial Services, House of Representatives, to Comptroller General (Aug. 28, 2013) (Request Letter).

Section 716 of the Financial Services and General Government Appropriations Act, 2012, which was carried forward by the Consolidated and Further Continuing Appropriations Act, 2013, prohibits the use of appropriated funds for indirect or grassroots lobbying in support of or in opposition to pending legislation.[1] As explained below, we conclude that HUD violated section 716 by preparing and transmitting the July 2013 E-mail. Further, because section 716 prohibits the use of HUD's appropriation for grassroots lobbying, making any obligation of funds toward this purpose exceed available appropriations, we also conclude that HUD violated the Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A), when it obligated and expended funds to prepare and transmit the July 2013 E-mail.

As agreed with your staff, we relied on information and legal views that HUD and HUD's Office of Inspector General (HUD OIG) provided the subcommittee. Letter

[1] The fiscal year 2012 prohibition applies to the July 2013 E-mail at issue here. Pub. L. No. 112-74, div. C, title VII, § 716, 125 Stat. 786, 933 (Dec. 23, 2011), *as carried forward by* Pub. L. No. 113-6, div. F, title I, §§ 1101(a)(2), 1102, 1105, 127 Stat. 198, 412–413 (Mar. 26, 2013).

from Acting Assistant Secretary for Congressional and Intergovernmental Relations on behalf of Secretary, HUD, to Chairman, Subcommittee on Oversight and Investigations, Committee on Financial Services, House of Representatives (Sept. 24, 2013) (HUD Response to Subcommittee); HUD Inspector General, *Report of Investigation*, Case No. 2013HQ001744I (Feb. 18, 2014) (OIG Report). In accordance with our regular practice, we also contacted HUD to seek its legal views on this matter and any additional facts that it wished to provide. Letter from Assistant General Counsel for Appropriations Law, GAO, to Acting General Counsel, HUD (Apr. 15, 2014); *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), *available at* www.gao.gov/legal/lawresources/resources.html. HUD, noting the OIG Report, told us it had "no further facts or analysis to add at this time." Letter from Acting General Counsel, HUD, to Assistant General Counsel for Appropriations Law, GAO (May 15, 2014) (HUD Response to GAO).

BACKGROUND

On July 31, 2013, the Deputy Secretary of HUD sent an e-mail to over 1000 recipients, including members of the public, requesting they contact named senators in support of the Senate's version of the Department of Transportation, HUD, and Related Agencies appropriations bill for fiscal year 2014 (Senate THUD Bill), then pending in the Senate. *See* OIG Report, at 1, Ex. A. Specifically, the July 2013 E-mail asked recipients to contact named senators to encourage them to vote in favor of procedural motions to advance consideration of the bill. Request Letter, at 1. The e-mail also asked recipients to encourage the senators to oppose specific amendments to the bill and to vote in support of the Senate THUD Bill itself. OIG Report, at Ex. A.

The July 2013 E-mail followed a number of communications that HUD's Deputy Secretary previously had with "stakeholders"[2] in an effort to advance final passage of the bill. *Id.*, at Memorandum of Interview (MOI) 5, 10, 12, 13. HUD described the July 2013 E-mail recipients as "individuals from organizations that work on housing issues related to HUD's programs . . . [who] generally have engaged and communicated with HUD on housing issues . . . ." HUD Response to Subcommittee, at 1-2. HUD noted that it had retained contact information for these people throughout the ordinary course of its work. *Id.*, at 2.

[2] The term "stakeholders" was described in one HUD OIG interview as "elected officials, non-elected officials, Mayors, Senators, etc." OIG Report, at MOI 5.

The July 2013 E-mail encouraged "friends and colleagues" to take specific actions concerning the Senate THUD Bill.[3] Of note, the e-mail stated:

> "TODAY AND TOMORROW are critical because it is the last chance for the Senate THUD bill to be voted on before Congress goes on August recess. We are once again facing a critical cloture motion vote tomorrow to end the debate. I am humbly asking you to let your Senators especially the ones listed below know how important it is that the cloture motion passes so that the Senate THUD bill MOVES FORWARD to a vote and TO VOTE for the Senate THUD bill.
>
> "It is critical that your Senator hears from you NOW. Specifically, we need to maintain the current level of Republican support for the Senate THUD FY14 appropriations bill, acquire other Republican supporters and ensure vocal and active support from Democratic Senators. Please ask them:
>
> - to vote YES tomorrow on the cloture motion to end the debate and to vote YES on the merits of the bill when it comes up for a vote[.]
> - to defend against efforts by some Republicans to prevent the underlying bill from coming up for a vote or to enact harmful amendments such as those that would cut some of the important funding in the bill.
> - for example, Senators should vote 'No' against Senator Coburn's Amendment 1754 which would have a devastating effect on our homeless population."

OIG Report, at Ex. A (emphasis in original). The e-mail went on to list 17 senators on whom the recipients should focus their attention. *Id.* The senators named in the July 2013 E-mail were chosen based on their demonstrated support for the Senate THUD Bill. *Id.*, at MOI 6.

DISCUSSION

At issue here is whether the July 2013 E-mail sent by HUD's Deputy Secretary constitutes a violation of the governmentwide prohibition against grassroots lobbying

[3] Another e-mail thanking the recipients for their support, providing further status updates on the Senate THUD bill, and encouraging recipients to continue to "make [their] voices heard" during the August recess was sent by the Deputy Secretary on August 5, 2013. OIG Report, at Ex. B. This opinion does not evaluate the propriety of the August 5 e-mail.

contained in section 716 of the Financial Services and General Government Appropriations Act, 2012, and carried forward by the Consolidated and Further Continuing Appropriations Act, 2013. Pub. L. No. 112-74, § 716; Pub. L. No. 113-6, §§ 1101(a)(2), 1102, 1105.

Section 716 provides as follows:

> "No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself."

We have interpreted similar appropriations act language as prohibiting indirect or grassroots lobbying that is urging support or opposition of legislation currently pending before Congress. The prohibition is violated where there is evidence of a clear appeal by an agency to the public to contact Members of Congress in support of, or in opposition to, pending legislation. B-322882, Nov. 8, 2012. Our interpretation is derived from the statutory language as well as the legislative history of grassroots lobbying prohibitions and is consistent with a proper respect for an agency's right to communicate with the public and Congress about its policies and activities. *See* B-304715, Apr. 27, 2005; B-270875, July 5, 1996; B-192658, Sept. 1, 1978.

On its face, the July 2013 E-mail makes several clear appeals to the public to contact Members of Congress regarding pending legislation. According to the e-mail, the Senate THUD Bill, which would have provided substantially more funding for HUD than the House alternative, was being considered on the Senate floor on July 31, 2013. OIG Report, at Ex. A. HUD's Deputy Secretary sought to encourage final passage of the bill without amendments HUD considered harmful to the agency before Congress went into August recess. *Id.* Using statements including "I am humbly asking you to let your Senators . . . know," "[i]t is critical that your Senator hears from you NOW," and "[p]lease ask them: to vote YES," the Deputy Secretary urged recipients to contact 17 named senators—immediately—regarding the Senate THUD bill. *Id.*

Among the recipients of the July 2013 E-mail were members of the public. *See* HUD Response to Subcommittee, at 1–2. Accordingly, this action constitutes a clear, direct appeal to the public regarding pending legislation. *Compare* B-285298, May 22, 2000 (e-mail sent to interested farmers' organizations noting that Congress needed to hear from farmers in their district in regards to pending legislation was found, on its face, to be a clear appeal) *with* B-304715 (no violation where

communication merely consisted of language likely to influence the public to contact members of Congress, absent a clear appeal).

By its terms, section 716 applies to communication "designed to support or defeat legislation pending before the Congress." Pub. L. No. 112-74, § 716. It does not restrict "normal and recognized executive-legislative relationships," nor does it apply to agency communications "in presentation to Congress itself." *Id.* We have acknowledged that anti-lobbying provisions like section 716 do not restrict the ability of agency officials to voice their position on matters of public policy by direct appeals to Congress, nor do we interpret such provisions in a manner that unnecessarily constrains agency communication with the public on such issues. B-317821, June 30, 2009; B-270875. For example, we determined that HHS did not violate anti-lobbying provisions through its Web site, *HealthReform.gov*. B-319075, Apr. 23, 2010. The Web site contained information regarding the Administration's stance on health care reform, including a forum for the public to provide comments, and a *State Your Support* Web page, which allowed users to sign a letter supporting the President. *Id.* It did not contain a direct appeal to the public to contact Members of Congress in support of pending legislation. *Id.*

However, HUD's July 2013 E-mail does not just convey the agency's position with regard to the Senate THUD Bill; it directly urges the public to contact specific senators regarding pending legislation and provides several points for recipients to emphasize. For example, the recipients were urged to implore the senators to "vote YES tomorrow on the cloture motion," "vote YES on the merits of the bill," and "vote 'No' against Senator Coburn's Amendment 1754." OIG Report, at Ex. A (emphasis in original).

HUD does not deny that it appealed to the public to contact named senators regarding pending legislation.[4] Rather, HUD emphasized that the July 2013 E-mail

[4] Historically, HUD has acknowledged the anti-lobbying provisions, such as section 716, found in appropriation acts, and at least one official in HUD's Office of General Counsel (HUD OGC) acknowledged that the "2012 appropriations act prohibits PAS [Presidentially-Appointed and Senate-Confirmed] and other HUD employees from lobbying once a bill is pending before Congress." OIG Report, at Ex. G. HUD's policy in July 2013 reflected the position that an anti-lobbying provision similar to the one at issue here prohibited PAS officials and other employees from urging others to contact members of Congress in support or in opposition to pending legislation. OIG Report, at 5–6, Ex. E. This same position was also reflected in a 2011 memo to PAS officials regarding anti-lobbying restrictions. OIG Report, at Ex. F. Following the congressional inquiry to HUD regarding the July 2013 E-mail, HUD revised its anti-lobbying policy. While the revised policy noted PAS officials must consult HUD OGC prior to engaging in grassroots lobbying, it eliminated prior acknowledgment (continued...)

was transmitted by its Deputy Secretary, who is a Presidentially-Appointed and Senate-Confirmed (PAS) official. HUD Response to Subcommittee, at 1. HUD explained that a Department of Justice (DOJ) Office of Legal Counsel (OLC) memorandum opined that 18 U.S.C. § 1913, a lobbying prohibition that is enforced by DOJ, does not apply to PAS officials.[5] Section 1913 states in part that "[n]o part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, . . . [,]" be used in the manners prohibited by the statute. In a 1989 memorandum, DOJ OLC provided guidance on the extent to which section 1913 constrains the lobbying activities of the executive branch. 13 Op. Off. Legal Counsel 300 (1989). It construed section 1913 to exempt certain officials, including, for example, the President, his aides and assistants within the Executive Office of the President, and Cabinet members. *Id.*, at 303. It stated that Congress "expressly authorized"[6] the lobbying activities of such officials by its continued appropriation of funds for positions whose responsibilities historically include seeking support for the Administration's legislative program. *Id.*, at 302–03. DOJ OLC further explained that to apply section 1913 to such officials would interfere with the President's constitutional powers, making a narrow construction appropriate. *Id.*, at 304–06.

Notably, however, DOJ OLC cautioned against these officials engaging in the sort of grassroots lobbying campaigns section 1913 was intended to prevent. 13 Op. Off. Legal Counsel at 303 n.5. *See also* Memorandum Opinion for the General Counsel, Department of Commerce, *Application of 18 U.S.C. § 1913 to "Grass Roots" Lobbying by Union Representatives*, OLC Opinion, at 7 n.6, Nov. 23, 2005, *available at* http://www.justice.gov/olc/memoranda-opinions/index.php. In particular, DOJ OLC, addressing a factual scenario similar to that presented here, noted that legislative history demonstrates that by enacting section 1913, Congress sought to prevent department heads from using appropriated funds for grassroots "mass-mailing" campaigns to "create artificially the impression that there [was] a ground swell of public support for the Executive's position on a given piece of legislation." 13 Op. Off. Legal Counsel at 304. DOJ OLC distinguished such activity from the permissible action of an agency openly engaging with the public regarding such policies to generate support. *Id. See also* OLC, *Guidelines on 18 U.S.C. § 1913*, at 1 (Apr. 14, 1995).

(...continued)
that anti-lobbying provisions similar to section 716 applied to their activities. *Compare* OIG Report, at 7, Ex. H, *with* OIG Report, at Ex. E.

[5] Section 1913 was originally enacted as a criminal provision, but was amended in 2002 to replace criminal sanctions with civil penalties. *See* B-319075.

[6] This "express authorization" exception was derived from the clause in section 1913, "in the absence of the express authorization by Congress, ..."

HUD, noting DOJ OLC's position on section 1913, stated that "[f]ederal agencies under both Democratic and Republican administrations have relied on OLC's opinion in guidance stating that neither . . . [section 1913] nor the appropriations laws' restrictions on lobbying apply to the activities of . . . [PAS] officials." HUD Response to Subcommittee, at 1. Without reference to DOJ OLC's caution, HUD wrote regarding the July 2013 E-mail, "[c]onsistent with the . . . opinions and guidance [of DOJ OLC and these agencies] the email . . . was a communication from the Deputy Secretary—a 'Presidentially-appointed, Senate-confirmed official.'" *Id.*

We disagree with HUD's position that the Deputy Secretary is exempt from section 716. On its face, section 716 would exempt the Deputy Secretary to the extent he were engaging in normal executive-legislative relationships.[7] We have consistently found that under these types of appropriations restrictions, agency officials have broad authority to educate the public on their policies and views, and this includes the authority to be persuasive in their materials.[8] However, with regard to an appropriations act prohibition like that found in section 716, there is a bright-line rule: evidence of a clear agency appeal to the public to contact members of Congress in support of or in opposition to pending legislation is a violation of this prohibition. B-322882, at 4. There is clear evidence of such an appeal to the public in this case.

CONCLUSION

HUD's July 2013 E-mail that urged members of the public, to contact named U.S. senators in support of the Senate THUD Bill constitutes improper grassroots lobbying. HUD violated section 716 when it obligated and expended appropriated funds to prepare and transmit the July 2013 E-mail.[9] Under the Antideficiency Act,

[7] This is not the first time we have applied anti-lobbying provisions to PAS officials. *See, e.g.*, B-284226.2, Aug. 17, 2000; B-216239, Jan. 22, 1985.

[8] *See, e.g.*, B-317821, June 30, 2009 (noting that agency officials "may meet with interested groups or otherwise share information with them"); B-304715, Apr. 27, 2005 (individual social security statements mailed to over 140 million Americans that included a message concerning the need for action to ensure the continued viability of the system and noted that "Congress has made changes to the law in the past and can do so at any time," did not constitute grassroots lobbying); B-301022, Mar. 10, 2004 (letter from the Deputy Director of the Office of National Drug Control Policy encouraging prosecutors to work with legislators to update local marijuana laws was considered a legitimate informational activity).

[9] HUD OIG did not calculate the cost associated with the July 2013 E-mail, only noting that it "appears to fall short of the $50,000 threshold [used by DOJ to

(continued...)

an officer or employee of the federal government may not make or authorize an obligation or expenditure in excess of the amount available in an appropriation. 31 U.S.C. § 1341(a). Accordingly, any obligation or expenditure of appropriated funds for a purpose specifically prohibited by Congress is in excess of the amount available. B-321982, Oct. 11, 2011. HUD should report its Antideficiency Act violation as required by law.[10] 31 U.S.C. § 1351.

If you have any questions, please contact Edda Emmanuelli Perez, Managing Associate General Counsel, at (202) 512-2853 or Julie Matta, Assistant General Counsel, at (202) 512-4023.

Sincerely,

Susan A. Poling
General Counsel

(...continued)
determine whether a grassroots lobbying campaign violates 18 U.S.C. § 1913]." OIG Report, at 4. According to the interviews conducted by HUD OIG, staff from several offices (who were not PAS officials) collaborated to prepare the e-mail that was sent by the Deputy Secretary, including the Office of Public Engagement and HUD's Congressional & Intergovernmental Relations team. *Id.*, at MOI 2, 3, 5, 6, 12.

[10] The Office of Management and Budget has published guidance on how executive agencies should report Antideficiency Act violations. OMB Circular No. A-11, *Preparation, Submission, and Execution of the Budget*, pt. 4, § 145 (July 26, 2013).

(986001)

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