

Coverage of Section 112 of HUD Reform Act

Legal Opinion: GMP-0051

Index: 6.666

Subject: Coverage of Section 112 of HUD Reform Act

January 31, 1992

Mr. Stacey Riggin
Brownstein Zeidman and Schomer
Suite 900
1401 New York Ave., N.W.
Washington, DC 20005-2102

RE: Coverage of Section 112 of the HUD Reform Act of 1989

Dear Mr. Riggin:

The issue you have raised concerning whether departments of the federal government are exempt from the provisions of Section 112 of the HUD Reform Act has been referred by the Office of Ethics to our office for response.

Federal agencies are neither specifically included nor specifically excluded from the provisions of Section 112 of the HUD Reform Act. There is no indication in the legislative history of the Act to suggest that federal agencies were intended to be covered by the Act. The Final Rule implementing Section 112 does not address this issue.

On a practical level, it seems unlikely that federal agencies make expenditures or agreements to make expenditures, as defined in 24 CFR 86.20, for the purpose of influencing a funding decision or management action of the Department. Additionally, federal agencies are not retained to influence a funding decision or management decision of the Department, as defined in 24 CFR 86.25.

If you have a question about the applicability of Section 112 to a specific activity or agency, please let us know.

Very truly yours,

Carole W. Wilson
Associate General Counsel
Office of Equal Opportunity and
Administrative Law

cc: Arnold Haiman
Melvin Bell