



## Federal Housing Finance Board

1777 F Street, N.W., Washington, D.C. 20006  
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February 5, 1996

Carroll F. Bray, Jr., Esq.  
Senior Vice President, General  
Counsel, and Corporate Secretary  
Federal Home Loan Bank of Atlanta  
Post Office Box 105565  
Atlanta, GA 30348

Re: Lobbying Disclosure Act of 1995

Dear Carroll:

As you may know, the Lobbying Disclosure Act of 1995 (Lobbying Act) took effect on January 1, 1996. Several Federal Home Loan Banks (FHLBanks) have raised questions about the application of the Lobbying Act to the employees of the FHLBanks and the Federal Housing Finance Board (Finance Board). This letter is intended to respond to those questions,

The Lobbying Act requires generally, that paid lobbyists register with, and report semiannually on their lobbying activities to, the United States Senate and House of Representatives. Lobbying activities include, among other things, all communications from a paid lobbyist to "covered\* executive and legislative branch officials regarding: (1) formulation modification or adoption of legislation or rules, regulations programs, policies or positions of the United States; (2) administration or execution of federal programs or policies; or (3) negotiation, award, or administration of federal contracts, grants, loans, permits, or licenses. "Covered" officials include certain Executive Schedule employees (e.g. members of the Board of Directors of the Finance Board); Schedule C employees whose positions are of a confidential, policy-determining, policy-making, or policy-advocating character, members of Congress and their personal staffs and the staffs of congressional committees, working groups, and caucuses.

When contacting a covered official, a lobbyist generally, 'must state whether he or she is registered with Congress under the Lobbying Act, and identify the client on whose behalf the lobbying contact is being made. The only obligation imposed on a covered official is to state whether he or she is a covered official if asked by a lobbyist making a lobbying contact. Covered officials are not required to keep records or make reports.

Under the Lobbying Act, any employee of a federal agency, or a Government corporation (as defined in the Government Corporation Control Act, 31 U.S.C. § 9101), is considered to be a public official. The Lobbying Act provides that communications made by a public official in that individual's official capacity are not lobbying contacts. Therefore, communications from a member of the Board of Directors of the Finance Board or a Finance Board employee acting in his or her official capacity to covered officials, are not within the coverage of the Lobbying Act. Further, communications from an officer, director, Or employee of a FHLBank acting in his or her official capacity to covered officials at the Finance Board, & members of the Board of Directors and Schedule C employees, are not covered. Since independent contractors are not "employees" for purposes of the Lobbying Act, communications to covered officials from independent contractors paid by a FHLBank to act as lobbyists, could be reportable lobbying activities.

If you have any questions or need further information regarding the Lobbying Act, please contact me at (202) 408-2570, David Guy at (202) 408-2536, or Janice Kaye at (202) 408-2505.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah F. Silberman". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Deborah F. Silberman  
Deputy General Counsel