

April 6, 2009

MEMORANDUM FOR ALL CORPORATION STAFF

FROM: Wilsie Y. Minor

Deputy General Counsel for Litigation and General Legal Services

SUBJECT: Requirements for Transparency of Communications and Contacts with Registered Lobbyists Regarding Projects Funded Under the Recovery Act

On March 20, 2009, the President established new requirements for transparency in contacts that employees of executive agencies may have with registered lobbyists concerning particular projects, applications, or applicants for funding under the Recovery Act. The President imposed a requirement that agency officials may only consider written views of registered lobbyists concerning particular projects, applications, or applicants for funding under the Recovery Act.

The requirements of the Presidential memorandum apply to all Corporation employees.

Employees are required to inquire, when scheduling and again at the outset of, any oral communication (in-person or telephonic) with any person or entity concerning particular projects, applications, or applicants for funding under the Recovery Act whether any of the parties appearing or communicating is a registered lobbyist under the Lobbying Disclosure Act of 1995. A lobbyist may not attend or participate in the telephonic or in-person contact, but may submit a communication in writing.

The Presidential memorandum requires that all written communications from a registered lobbyist concerning the commitment, obligation, or expenditure of funds under the Recovery Act for particular projects, applications, or applicants be posted publicly by the Corporation on its recovery website within 3 business days after receipt of such communication. Any such communications must be forwarded by the Office head or designee within one business day of receipt to Matt Harmon for posting with a copy to the Department Head.

A Corporation official may communicate orally with registered lobbyists concerning general Recovery Act policy issues, but such oral communications may not extend or touch upon particular projects, applications, or applicants for funding. Further, the Presidential memorandum requires that an employee, contemporaneously or immediately after such oral communications, document in writing: (1) the date and time of the contact on policy issues, (2) the names of the registered lobbyists and the official(s) who were parties to the contact, and (3) a short description of the substance of the communication. This writing must be posted publicly by the Corporation on its recovery website within 3 business days of the communication. Any such communications must be forwarded by the Office head or designee within one business day of receipt to Matt Harmon for posting with a copy to the Department Head.

Employees are required to inquire, when scheduling and again at the outset of, any oral communication (in-person or telephonic) with any person or entity concerning general Recovery Act policy issues Recovery whether any of the parties appearing or communicating is a registered lobbyist under the Lobbying Disclosure Act. If a registered lobbyist is a participant, the employee must document in writing: (1) the date and time of the contact on policy issues, (2) the names of the registered lobbyists and the official(s) who were parties to the contact, and (3) a short description of the substance of the communication. This writing must be posted publicly by the Corporation on its recovery website within 3 business days of the communication. Any such communications must be forwarded by the Office head or designee within one business day of receipt to Matt Harmon for posting with a copy to the Department Head.

Compliance with these requirements is vital to our support of the President's commitment to transparency and accountability regarding the use of Recovery Act funding. OMB will review agency implementation of these requirements.