

Federal Housing Finance Board

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(c) *Description.* A disc having the same design and description as the official logo, contained in § 900.54 and displayed in paragraph (b) of that section.

[56 FR 67155, Dec. 30, 1991; 57 FR 749, Jan. 8, 1992]

§ 900.54 Official logo.

This section describes and displays the logo adopted by the Board of Directors as the official symbol representing the Finance Board. It is displayed on correspondence and selected documents.

(a) *Description.* A disc with its center consisting of three polygons arranged in an irregular line partially overlapping—each polygon drawn in a manner resembling a silhouette of a pitched roof house and with distinctive eaves under its roof—encircled by a designation scroll having an outer and inner border of plain heavy lines and containing the words “FEDERAL HOUSING FINANCE BOARD” in capital letters, in sans serif type, with two mullets on the extreme left and right of the scroll.

(b) *Display.*



PART 902—OPERATIONS

Sec.

902.1 Definitions.

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AUTHORITY: 12 U.S.C. 1422b, 1438(b), 1833e.

SOURCE: 58 FR 19195, Apr. 13, 1993, unless otherwise noted.

§ 902.1 Definitions.

As used in this part:

Bank means a Federal Home Loan Bank.

Bank System means the Federal Home Loan Bank System, consisting of all twelve Banks.

Business means an enterprise, including a firm, corporation, joint stock company, partnership, joint venture or association that engages in commercial activity on a regular basis.

Chairperson means the Chairperson of the Board of Directors.

Finance Board means the Federal Housing Finance Board.

Minority means:

(1) A male person or persons classified as either an African-American, a Native-American, a Hispanic-American, or an Asian-American; or

(2) A female person or persons regardless of ethnic or racial classification.

Minority-owned entity means a business that is:

(1) Owned or controlled by any combination of African-Americans, Native-Americans, Hispanic-Americans or Asian-Americans, regardless of gender, where such ownership or control includes the management of the daily business operations; or

(2) Owned or controlled by female persons, regardless of ethnic origin, where such ownership or control includes the management of its daily business operations.

§ 902.2 Assessments.

(a) Pursuant to section 18(b) of the Federal Home Loan Bank Act, as amended, (12 U.S.C. 1438(b)), the Finance Board will assess the Bank System for such funds as may be necessary to meet the annual administrative and operating expenses of the Finance Board. This section governs the procedures under which each Bank shall be assessed for its portion of the Finance Board's annual expenses.

(b) Prior to the end of each calendar year, or as soon as possible thereafter, the Finance Board shall adopt a resolution approving an annual budget for all Finance Board expenses for the next calendar year. A copy of such resolution shall be forwarded to each Bank president.

(c) The Finance Board shall make two assessments on the Bank System for each calendar year. The first assessment shall cover the first six-month period of each calendar year, and the second assessment shall cover the second such period.

(d) Each assessment for each six-month period on the Bank System will be for one-half of the budget approved by the Finance Board pursuant to paragraph (b) of this section, except that such amount may be offset by:

(1) Revenues received by the Finance Board from subleasing portions of its office building in the District of Columbia; and

(2) Funds, determined by the Finance Board to be surplus funds from prior assessments, in the Finance Board's special deposit account in the United States Treasury at the time of assessment.

(e) Each assessment made pursuant to this section shall be paid by the Bank System. Each Bank's *pro rata* share of such assessment will be based on the total paid-in value of its capital stock, relative to the total paid-in value of all capital stock of the Bank System.

(f) Prior to making an assessment pursuant to this section, the Finance Board shall adopt a resolution notifying the Banks that an assessment is being levied for a particular six-month period and shall forward a copy of such resolution to each Bank president.

(g) Following the notification in paragraph (f) of this section, the Chairperson, or designee, shall determine the assessment for each Bank and notify the Banks in writing of the amount due under the assessment, based on the formula in paragraph (e) of this section.

(h) Unless otherwise instructed by the Chairperson, or designee, each Bank may transfer its *pro rata* share of an assessment to the Finance Board in equal monthly installments over the

six-month period covered by the assessment.

§ 902.3 Monthly interest rate survey.

The Finance Board conducts its Monthly Survey of Rates and Terms on Conventional One-Family Nonfarm Mortgage Loans in the following manner:

(a) *Initial survey.* Each month, the Finance Board samples approximately 1,000 mortgage lenders (savings and loan associations, savings banks, commercial banks, and mortgage loan companies) and asks them to report the terms and conditions on all conventional mortgages (not federally insured or guaranteed) used to purchase single-family homes that each such lender closes during the last five working days of the month. In most cases, the information is reported electronically in a format similar to Finance Board Form FHFB 10-91. The data is weighted so that the pattern of weighted responses matches the actual pattern of mortgage originations by lender type and by region. The Finance Board tabulates the data and publishes standard data tables late in the following month.

(b) *Adjustable-rate mortgage index.* The weighted data, tabulated and published pursuant to paragraph (a) of this section, is used to compile the Finance Board's adjustable-rate mortgage index, entitled the "National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders." This index is the successor to the index maintained by the former Federal Home Loan Bank Board and is used for determining the movement of the interest rate on the renegotiable-rate mortgages and on some other adjustable-rate mortgages.

(c) *Means of survey.* The Finance Board collects the data for the compilation of the indices described in this section by contract. Pursuant to such contract, a Finance Board form, entitled "Monthly Survey of Rates and Terms on Conventional One-Family Nonfarm Mortgage Loans" (FHFB Form 10-91), is distributed to selected lending institutions. The data is collected, compiled and processed, and the completed survey results are forwarded to the Housing Finance Directorate of

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the Finance Board for tabulation and distribution.

§902.4 Schedule of charges for agency services.

(a) *Authority.* Section 9701 of title 31, United States Code, directs government agencies to charge a fee for any special service provided to a selected segment of the public that makes use of such special service (31 U.S.C. 9701). The Office of Management and Budget's Circular A-25 contains guidelines for agencies to follow when promulgating regulations for such user fee charges. This section implements that authority.

(b) *ARM Index special programming service.* (1) The Finance Board develops and makes available special tabulations of its monthly interest rate survey data for individual users, upon request.

(2) Each request for a specialized interest rate survey will be made in writing to the Housing Finance Directorate.

(3) The fee for such special service is a \$100 per hour for the analyst's time, with a minimum charge of \$100, prepaid, to accompany the written request.

§902.5 Minority Contractors Outreach Program.

(a) *Scope.* (1) This section establishes the Finance Board's Minority Contractors Outreach Program and designates the officials responsible for implementing the Program and its oversight.

(2) The Minority Contractor Outreach Program:

(i) Seeks to encourage the maximum participation of minorities in all Finance Board procurement contracts for goods or services;

(ii) Shall operate consistent with the principle of full and open competition and the concept of contracting for minimum agency needs at the lowest practical cost; and

(iii) Shall not be construed to be a substitute means of procurement for the Finance Board's established procedural process for the procurement of goods or services.

(b) *Responsibilities.* (1) The Director of Administration shall have general

oversight of the Minority Contractors Outreach Program.

(2) The Chairperson shall:

(i) Appoint an Minority Contractors Advocate, who shall—

(A) Have primary responsibility for furthering the purposes of the Minority Contractors Outreach Program;

(B) Be responsible for challenging barriers to, and promoting maximum participation by, minorities or minority-owned entities in the Finance Board procurement process; and

(C) Develop a manual describing the procedures by which the Finance Board will implement the Minority Contractors Outreach Program.

(ii) Assign such Advocate only such duties or responsibilities, with respect to the Minority Contractors Outreach Program, as are consistent with this section, and shall not assign such Advocate any duties of a contracting officer or of a technical representative on a contract.

(c) *Program components.* The Minority Contractors Outreach Program procedures shall include the following:

(1) *Contractor File.* (i) The Minority Contractors Advocate shall compile and maintain an ongoing file consisting of minority-owned entities that are interested in contracting with the Finance Board for goods or services through the competitive bidding or negotiated procurement process.

(ii) The information in such file shall list the current name and address of each such minority-owned entity and shall categorize each name and address as follows:

- (A) Accounting services;
- (B) Building support services;
- (C) Computer services;
- (D) Consulting services;
- (E) Legal services;
- (F) Office supplies and equipment; or
- (G) Other services.

(2) *Solicitation.* The Minority Contractors Advocate shall implement a procedure for soliciting potential candidates for the contractor file provided for in paragraph (c)(1) of this section, by means of any of the following:

(i) Referrals from executive departments, agencies or instrumentalities of the Federal Government;

(ii) Direct solicitation of selected candidates;

(iii) Advertising by direct mail or publications specifically directed to minorities, or minority-owned entities;

(iv) Sponsoring Finance Board seminars designed to explain the Minority Contractors Outreach Program to minority contractors or minority-owned entities who have the potential of contracting with the Finance Board;

(v) Attendance at conventions, seminars or other professional conferences of minorities or minority-owned entities located in the greater Washington metropolitan area.

(3) *Certification.* (i) No minority-owned entity (whether solicited by the Minority Contractors Advocate or not) may participate in the Finance Board procurement process as a minority-owned entity unless certified as such by the Chairperson, or designee.

(ii) The certification shall be by a means and form approved by the Finance Board.

(iii) Nothing in this section shall be deemed to prevent a non-certified minority-owned entity from participating in the procurement process as an entity not designated or deemed a minority or minority-owned entity.

(4) *Promotion.* (i) The Minority Contractors Advocate shall maintain an ongoing campaign of promotion of the Minority Contractors Outreach Program with all certified minority-owned entities.

(ii) This campaign shall include:

(A) Ongoing dissemination of information about the Minority Contractors Outreach Program with certified minority-owned entities;

(B) Alerting appropriate certified minority-owned entities when the Finance Board makes a solicitation for a bid or initiates the negotiation of a procurement contract for goods or services;

(C) Acting as a liaison between the Finance Board contracting authorities and a particular minority-owned entity; and

(D) Assisting any certified minority-owned entity to understand Finance Board contracting procedures or other information regarding a particular bid or contract.

(iii) Nothing in this paragraph (c)(4) shall authorize the Minority Contractors Advocate to represent the inter-

ests of any minority-owned entity in any contract matter or bid before the Finance Board.

(5) *Contract award guidelines—(i) Contracts not exceeding \$25,000.* The Finance Board Contracting Officer shall, from time to time, award contracts for the procurement of goods or services, that do not exceed \$25,000 in costs, to certified minority-owned entities listed in the contractor file provided for in paragraph (c)(1) of this section, to the extent not inconsistent with the principles of Federal Government procurement laws. Such awards shall be made after consultation with the Minority Contractors Advocate.

(ii) *Contracts exceeding \$25,000.* Contracts for goods or services that exceed \$25,000 will be awarded on the basis and consistent with the principles of the Federal Government procurement laws. The Finance Board Contracting Officer and the Minority Contractors Advocate shall work to ensure, promote and facilitate the maximum participation of minority-owned entities in the Finance Board's procurement of goods or services that exceed \$25,000.

§ 902.6 Procedure for consideration of waiver of regulatory provisions.

(a) *Authority.* The Finance Board reserves the right, in its discretion and in connection with a particular transaction, to waive any provision, restriction, or requirement of this chapter, or any required submission of information, not otherwise required by law, if such waiver is not inconsistent with the law and does not adversely affect any substantial existing rights, upon a determination by the Finance Board that application of the provision, restriction, or requirement would adversely affect achievement of the purposes of the Federal Home Loan Bank Act, or upon a showing of good cause.

(b) *Waiver requests.* Any person or entity may file a written waiver request with the Finance Board.

(1) *Procedure.* Any request for a waiver shall be filed with the Executive Secretary, Federal Housing Finance Board, 1777 F Street, N.W., Washington, DC 20006, and, if from a Bank member institution, with the appropriate Bank.

(2) *Documentation.* A waiver request shall include the following:

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(i) A detailed statement of facts, including the provisions of this chapter to which the request relates, the participants in the proposed transaction, and the reasons for the request; and

(ii) An analysis of each legal issue raised.

[61 FR 64614, Dec. 6, 1996]

EFFECTIVE DATE NOTE: At 61 FR 64614, Dec. 6, 1996, §902.6 was added, effective Jan. 6, 1997.

PART 904—FREEDOM OF INFORMATION ACT REGULATIONS

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904.1 Purpose and scope.

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904.4 Records available to public.

904.5 Procedure for requesting records.

904.6 Fees for records disclosed.

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904.8 Disclosure of Federal Home Loan Bank examination reports to Financial Regulatory Agencies.

904.9 Records of Financial Regulatory Agencies held by Federal Housing Finance Board.

904.10 Service of process.

AUTHORITY: 5 U.S.C. 552, 12 U.S.C. 1422b(a)(1).

SOURCE: 58 FR 19198, Apr. 13, 1993, unless otherwise noted.

§ 904.1 Purpose and scope.

(a) This part implements section 552 of title 5, United States Code, that requires the Federal Housing Finance Board to issue regulations informing the public of the places at which, the officers from whom, and the methods by which the public may request records, and to set a uniform schedule of fees for obtaining records.

(b) Any action or determination required or permitted by this part to be performed by the Finance Board, Executive Secretary or General Counsel may be delegated to another responsible agency officer or employee specifically designated for that purpose.

§ 904.2 Definitions.

As used in this part:

Commercial use request means a request from, or on behalf of, a requester seeking information for a use or purpose that furthers the commercial,

trade or profit interest of the requester or ultimate user.

Direct costs means the expenditures actually incurred by the Finance Board in searching for, duplicating (and in the case of commercial use requests, reviewing) records in response to a FOIA request, including the time spent by Finance Board employees performing the work and the cost of operating duplicating equipment.

Duplication means the process of making a copy of a record necessary to respond to a FOIA request, including a paper copy, microfilm, audio-visual material, or magnetic tape or disc.

Educational institution means a public or private college or university, preparatory school, or similar accredited institution of professional or vocational education that operates a program or programs of scholarly research.

Executive Secretary means the Executive Secretary of the Federal Housing Finance Board.

Finance Board means the Federal Housing Finance Board.

Financial Regulatory Agency means the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, The Federal Deposit Insurance Corporation or the National Credit Union Administration.

FOIA means the Freedom of Information Act.

Non-commercial scientific institution means a nonprofit institution operated solely for the purpose of conducting scientific research not intended to promote any particular product or industry.

Record means documentary material, regardless of physical form, that is made or received by the Finance Board under Federal law or in connection with the transaction of public business, is preserved or appropriate for preservation as evidence of agency activities or because of the value of the information it contains, and is under the Finance Board's control at the time a request is received.

Representative of the news media means a requester, as defined below, actively gathering information about current events of interest to the public for a publishing or broadcasting entity.