



DRIVING THE AFTERMARKET INDUSTRY

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Submitted Electronically

Don Fox
Acting Director and General Counsel
Office of Government Ethics
1201 New York Avenue, NW
Suite 500
Washington, DC 20005-3917

**Re: RIN 3209-AA04
[Proposed Amendments Limiting Gifts from Registered Lobbyists and Lobbying Organizations]**

Dear Mr. Fox:

The Automotive Aftermarket Industry Association (AAIA) appreciates the opportunity made available to the public to comment on proposed rule RIN 3209-AA04, which considers amending the regulation governing standards of ethical conduct for executive branch employees of the Federal Government, to impose limits on the use of gift exceptions by all employees to accept gifts from registered lobbyists and lobbying organizations, including invitations to widely attended gatherings (WAGs).

AAIA is a Bethesda, Md.-based association whose more than 23,000 member and affiliates manufacture distribute, and sell motor vehicle parts, accessories, service, tool, equipment, materials and supplies. Through its membership, AAIA represents more than 100,000 repair shops, parts stores and distribution outlets.

As one of the largest U.S. employers our industry encompasses nearly 4.5 million people at over 500,000 business locations. The automotive aftermarket is a \$294B industry, representing more than 2.4% of the gross domestic product. We are proud to supply the products and services fundamental to the proper maintenance and repair of motor vehicles.

Many members of our staff also belong to the American Society of Association Executives (ASAE), and AAIA thereby incorporates by reference their comments regarding this proposed rulemaking and would, in addition, urge the Office of Governments Ethics (OGE) to consider two brief observations of our own.

While this first concern is addressed in the ASAE comments, our feelings on the issue are strong enough that we would be remiss if we did not add our own emphasis. We take serious exception to the the supposition by OGE in the proposed rule that trade associations “*may sponsor educational activities for their members and even the public, but the primary concern of such associations generally is not the education and development of members of a profession or discipline, which is the focus of the proposed exclusion*”. We maintain that this statement is fundamentally flawed, and wrongly excludes thousands of trade associations that are, in fact, wholly dedicated to the professional betterment of their respective members.

If one were to engage in a qualitative polling exercise and pose the question, “What is the primary role of your trade association?” to a broad swath of association members, AAIA is confident that “education”, “professional development” or similar descriptions would be the answers given by the vast majority of respondents. For instance, AAIA provides ongoing continuing education to its members to help further their understanding of the automotive markets. These include educational events, professional development and certification programs, technician training resources, e-learning, committee initiatives, and scholarship programs. Currently, more than 3,000 aftermarket professionals have earned the Import Parts Specialist certificate, and some 750 professionals have earned the Master's Level certificate. We respectfully ask that the OGE reconsider what appears be a subjective, overly simplistic definition of the business of trade associations, and conduct appropriate research that we believe would demonstrate that the OGE has erred in its interpretation.

Lastly, AAIA believes that while the OGE properly noted the value of the educational opportunities in WAG settings, it missed the mark again by barring trade associations from the limited exclusion. AAIA has itself incorporated cooperation with the National Highway Traffic Safety Administration’s (NHTSA) Office of Vehicle Safety Compliance at our annual trade show. As many of our exhibitors display imported auto parts, there are a substantial number of products that are subject to Federal Motor Vehicle Safety Standards (FMVSS), and at our invitation, NHTSA employees are present to inspect for parts that have previously failed to comply with the FMVSS or are obviously failing to meet the standards. If and when a failing product is discovered the offending exhibitor is subject to severe sanctions, up to and including expulsion. The consumer safety benefits from this cooperative program are so significant that AAIA includes a clause outlining the role of NHTSA inspectors in contractual agreements with our exhibitors. We fear that this entire program may be subject to termination (possibly erring on the side of caution) as a result of an overly broad reading of the proposed rulemaking.

AAIA thanks you in advance for your consideration of these comments. If you have any questions, please contact Sheryl Wilkerson, senior vice president, regulatory and government affairs at 240-333-1050 or sheryl.wilkerson@aftermarket.org.

Sincerely,



Kathleen Schmatz
President and CEO