

November 28, 2011

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

Dear Mr. Fox,

We are writing in regards to proposed regulations issued by your office that extend to all federal employees certain restrictions on attending informational meetings and events that currently apply to political appointees. We are concerned that the proposal as written would severely limit the ability of federal employees to attend meetings held by this association that is organized under section 501(c)(6) of the tax code.

While we understand the reasoning behind this proposed change, we are concerned that it will have the unintended consequence of restricting the necessary flow of information between the private sector and the federal government. This kind of information sharing is important for the development of regulations and policies that are effective and efficient but that do not place counterproductive burdens on the private sector.

The proposed regulations as written could have a detrimental affect on many of our constituents, including businesses, federal employees, and eventually the public who might ultimately bear the additional and avoidable cost if the private and government sectors cannot freely exchange information.

What is particularly troubling to me is that associations, all of which have essentially the same role in promoting and educating their membership and the public, are treated differently under the proposal depending on how they are organized. If an association that is organized as a professional society, the extension of this regulation to all federal employees does not apply. However, if their association is organized as a trade association, as is this association, the proposed rules apply. Both types of associations are organized under section 501(c)(6) of the tax code, yet they are not treated the same under the proposed regulations. Both hold educational and informational meetings that often provide important and necessary information to federal participants, yet one is somehow seen as more legitimate than the other.

It is important to point out that the federal government regularly reaches out to our association in the development of federal policy. Federal agencies want to get things "right" when they take actions, and they often reach out to the business community through association meetings. Examples range from the First Lady's initiative to combat childhood obesity, the efforts of the armed forces to develop appropriate security measures, and to farmers working with appropriate federal agencies.

Every government agency interacts with trade associations in developing federal policy for the good of the entire country; this proposal could greatly disrupt that communication.

While it would seem reasonable to tighten standards to make sure that social events are not used by organizations to curry favor on the part of federal employees, educational and informational meetings should not be held to the same standard. This exchange of information from educational and informational meetings is vitally important for federal employees work in promoting the public interest, and helps insure that private interests better understand the federal regulations they must deal with on a daily basis.

We would ask that all associations organized under section 501(c)(6) be treated the same, and that the proposed regulations be modified so that the necessary flow of information between the public and private sector is not discouraged.

Thank you for your consideration.

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October 8th - 10th, 2011

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