



December 14, 2011

Mr. Richard M. Thomas  
Associate General Counsel  
Office of Government Ethics  
Suite 500  
1201 New York Avenue, NW  
Washington, DC 20005-3917

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

Dear Mr. Thomas:

LeadingAge, formerly the American Association of Homes and Services for the Aging, ([www.LeadingAge.org](http://www.LeadingAge.org)) appreciates the opportunity to comment on the proposed rule (RIN 3209-AA04) which limits gifts from registered lobbyists and lobbying organizations. To expand the world of possibilities for aging, LeadingAge members and affiliates touch the lives of millions of individuals, families, employees and volunteers every day. The LeadingAge community includes 5,400 not-for-profit organizations in the United States, 38 state partners, hundreds of businesses, research partners, consumer organizations, foundations and a broad global network of aging services organizations that reach over 30 countries. The work of LeadingAge is focused on advocacy, leadership development, and applied research and promotion of effective services, home health, hospice, community services, senior housing, assisted living residences, continuing care communities, nursing homes, as well as technology solutions, to seniors, children, and others with special needs.

LeadingAge acknowledges and generally supports the efforts by the Office for Government Ethics (OGE) to limit some of the exceptions to the prohibition on gifts to agency employees. That said, however, we assert that the regulatory language of the proposed rule conflicts with OGE's intent with respect to a portion of the widely attended gatherings exception. Specifically, in the discussion of the widely attended gatherings exception, OGE notes that "the restriction on the use of section 2635.204(g)(2) does not extend to section 2635.204(g)(1)<sup>1</sup>, yet there is nothing in the actual regulatory language for section 2635.202(c)(6) that preserves the section 2635.204(g)(1) exception that permits agency employees to accept free attendance on the day of an event when they are speaking or presenting information in an official capacity. Rather, the language of section 2635.202(c)(6) as proposed extends the prohibition to all widely attended gatherings by omitting reference to 2635.204(g) altogether.

While LeadingAge is a 501(c)(3) non-profit organization and thus our conferences and events are not subject to the prohibition, some of our state affiliate associations are organized as trade

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<sup>1</sup> 76 Fed. Reg. 56330 (Sept. 13, 2011), at 56333.

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associations. Their members, however, are 501(c)(3) non-profits that would be denied the opportunity to hear from policymakers at their state conferences if the section 2635.204(g)(1) exception is not preserved by the OGE's rule. More importantly, these members would be effectively prohibited from sharing best practices and valuable feedback with agency employees regarding operational issues that they encounter on a daily basis as they implement their mission to serve some of our nation's most frail and vulnerable citizens—seniors and the disabled.

As a result of the foregoing, we respectfully request that OGE remedy the discrepancy between its stated intent with respect to subpart (1) of the widely attended gatherings exception and the proposed regulatory language by specifically including reference to it in the proposed language for section 2635.202(c)(6).

Please do not hesitate to contact us should you have any questions or would like further discussion. We look forward to our continued work with you on this and related issues.

Sincerely,

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