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November 7, 2011

Mr. Donald Fox  
Acting Director and General Counsel  
Office of Government Ethics  
1201 New York Avenue, NW  
Suite 500  
Washington, DC 2005-3915

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

Dear Mr. Fox:

On behalf of the New Jersey Association of Mental Health and Addiction Agencies (NJAMHAA), I am providing comment on the proposed rule, RIN 3209-AA04, which restricts all executive branch Federal government employees from using certain exceptions to accept gifts from registered Federal lobbyists and lobbying organizations, including invitations to widely attended gatherings for the (WAGS).

NJAMHAA represents over 170 hospital and community-based providers of mental health and substance use treatment. Our membership represents organizations and every county in almost every community state wide including nearly 98% of the behavioral healthcare market in New Jersey. In aggregate, our members help children and adults with mental illnesses and addiction issues more than one million times annually and employ 95,000 members of New Jersey's workforce. We understand the importance of strict ethical practices and accountability; we support the Office of Government Ethics' (OGE) mission to promote high ethical standards for executive branch employees. However, we are troubled by the inexplicable exclusion of trade associations from the list of organizations that can extend invitations to government employees to attend WAGs.

The proposed rule states that it "does not believe that employees, including political appointees subject to the Ethics pledge, should be precluded categorically from accepting offers of free attendance at substantive events that would provide a legitimate educational and professional development benefit that furthers the interests of an agency." However, OGE does not include trade associations in that



exclusion, reasoning that, “Trade associations may sponsor educational opportunities for their members and even the public, but the primary concern of such associations generally is not the education and development of the members of a profession or discipline, which is the focus of the proposed exclusion.” We respectfully disagree with that premise.

Trade associations and professional societies are typically exempt under section 501(c)(6) of the tax code. While many trade associations engage in advocacy, they also help resolve industry-wide issues that could otherwise threaten the health, safety, and technological standards that benefit everyone in exactly the same way as professional associations, scientific organizations and learned societies. The proposed rules simply ignore the important role organizations such as ours play in virtually every industry that the government seeks to regulate.

Companies join trade associations to promote common interests, share best practices and learn about the latest developments in their industry. A mutually beneficial relationship exists between government and trade associations’ interests. Both government and business play important roles with regard to production, consumption, job creation, and investment. All of these activities require the exchange of ideas knowledge and expertise to ensure informed of policy making and economic progress.

Educational and professional development programs conducted by trade associations are virtually indistinguishable from those conducted by other type of organizations listed in the proposed rule. They offer the same benefits to government employees to qualify for the same exclusion. NJAMHAA respectfully asks you to reconsider not including trade associations in the list of organizations that can extend invitations to government employees to expand WAGs.

Thank you for considering this request. If I can provide you with additional details and insights please do not hesitate to contact me at (609)838-5488, ext. 292 or [dwentz@njamhaa.org](mailto:dwentz@njamhaa.org).

Sincerely,

Debra L. Wentz, Ph.D.  
Chief Executive Officer

**New Jersey Association of Mental Health and Addiction Agencies, Inc.**

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