

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)

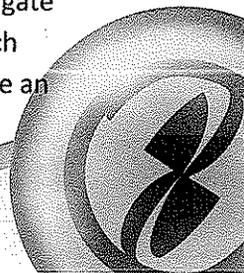
Dear Mr. Fox,

On behalf of the TeleManagement Forum (TM Forum) we appreciate the opportunity to comment on the proposed rule RIN 3209-AA04. The TM Forum is a global, trade association focused on increasing business effectiveness of a communications service provider through simplification and automation using best practices and standards developed by our members. This benefits everyone, particularly consumers. As an established industry thought-leader, the Forum serves as a unifying force, enabling more than 50,000 professionals, across 775 companies and government agencies, spanning 195 countries to solve critical business issues through access to a wealth of knowledge, intellectual capital and standards.

The TM Forum provides a unique, fair and regulated environment for the entire telecommunications value-chain to collaborate on pressing industry issues, helping companies of all sizes gain the flexibility and speed they need to underpin future growth. As such TM Forum places a tremendous value in transparency and ethical standards, and thus supports the Office of Government Ethics' (OGE) mission. Nevertheless, we are concerned with the unfathomable exclusion of trade associations from the list of organizations that can extend invitations to government employees to participate in widely attended gatherings (WAG's).

Under the proposed rule OGE 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 legitimate educational or professional development benefits that furthers the interests of an agency." With that said, OGE then inexplicably excludes trade associations from the above exemption by stating, "...the primary concern of such associations generally is not to the education and development of members of a profession or discipline, which is the focus of the proposed exclusion." We respectfully disagree with that assertion.

As a trade association, exempt under section 501(c)(6) of the tax code, the TM Forum is **NOT** a registered federal lobbyist or lobbying organization. While we understand that the proposed rule, in its current draft format, would not apply to the TM Forum; we are gravely concerned about unintended consequences. We sincerely doubt that any executive branch employee will take the time to investigate the registered lobbying status of the TM Forum. Furthermore, it is unlikely that any executive branch employee will risk disciplinary action and/or the associated stain on their reputation for having made an



innocent mistake. In practice it will simply be easier and more prudent for supervisors to place an outright ban on all attendance and participation in trade association WAG's and collaborative work.

If this rule were currently in effect the TM Forum would likely not be able to cooperate with the US Department of Defense (DoD) who recently submitted contributions of intellectual property to the TM Forum. The submission, which was equal to approximately one-hundred man year's worth of effort, consisted of a Network Defense Data model from the National Security Agency and a Policy Exchange Information Model from the Defense Information Systems Agency. This collaborative effort has appreciably enhanced the TM Forum's own Frameworkx suite of standards. As a result the DoD can confidently procure standards-based telecommunication products and services at significantly lower prices.

More broadly, while we understand that many trade associations engage in lobbying and advocacy work, they also help resolve industry-wide issues which have a wide ranging positive impact both socially and economically. The technical and safety standards set by trade associations are no less valuable and beneficial than those set by professional associations, scientific organizations, and learned societies.

Companies, individuals, and government agencies all enjoy the mutual benefit that exists by sharing best practices and learning about the latest developments in a given industry. The WAG's, including educational and professional development programs, conducted by trade associations are indistinguishable from those conducted by the other approved types of organizations listed in the proposed rule. They offer the same benefits to government employees and should certainly qualify for the same exclusion.

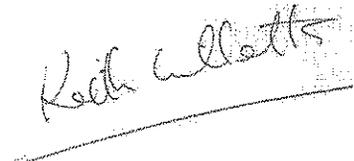
We respectfully ask you to reconsider not including trade associations in the list of organizations that can extend invitations to government employees to attend WAG's.

Thank you in advance for your consideration. If you have any questions regarding our comments, please feel free to contact us directly at +1 973-944-5100, or mcreaner@tmforum.org or kwilletts@tmforum.org.

Sincerely,



Martin Creaner
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Keith Willetts
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