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

RE: RIN 3209-AA04

[Proposed Amendments to 5 CFR Part 2635 Limiting Gifts from Registered Lobbyists and Lobbying Organizations]

Dear Mr. Thomas,

Thank you for the opportunity to comment on the proposed rule RIN 3209-AA04, which restricts all executive branch employees of the Federal Government from using certain exceptions to accept gifts from registered Federal lobbyists and lobbying organizations, including invitations to widely attended events. The National Affordable Housing Management Association (NAHMA) opposes the proposed extension of the Federal ethics rules to prohibit Federal employees from attending paid events hosted by some organizations that employ lobbyists.

NAHMA's members are property owners and managers, industry stakeholders, and providers of goods and services to the affordable housing industry. Our mission is to promote development and preservation of quality affordable multifamily housing by advancing legislative and regulatory policy, and preparing affordable housing professionals to succeed in evolving economic and political environments. In an effort to meet these goals, NAHMA holds a number of events throughout the year that are attended by our members, industry stakeholders, and legislative and executive branch employees.

While NAHMA supports the Office of Government Ethics' (OGE) mission to promote high ethical standards for executive branch employees, we are extremely concerned that the proposed rule would prevent those employees from attending paid events hosted by trade associations that employ lobbyists. The reason given by the Obama Administration is that while trade associations hold some educational events, their primary purpose is promoting an industry. This premise is demonstrably false.

Trade associations are among the many types of nonprofit organizations that sponsor programs in consonance with government interests and with Federal employees' professional development aspirations. They regularly hold seminars, conferences, trade shows and other programs that forecast industry performance and spotlight concerns. These educational and professional development programs conducted by trade associations are virtually indistinguishable from those conducted by the other types of organizations that would be exempted under the proposed rule—i.e. charitable, media, and professional organizations. Trade associations offer the same benefits to government employees and should qualify for the same exclusion.

NAHMA's association events are beneficial to federal employees not because we use the contacts for a lobbying advantage but because the information exchanged there provides a valuable public benefit and creates a working public-private partnership. For example, NAHMA offers a course entitled "Certified Professional of Occupancy" (CPO), which is delivered through our network of 19 affiliated state and regional Affordable Housing Management Associations (AHMAs) across the country. The CPO course

teaches practitioners how to use and understand the “occupancy handbook” issued by the U.S. Department of Housing and Urban Development (HUD). HUD’s occupancy handbook is a tome of some 800 pages outlining key regulatory issues related to participating in the agency’s programs, including income eligibility criteria, standards, tenant selection and screening, non-discrimination, allowances, adjusted income, and certifying tenants. Frequently, HUD staff will attend the CPO courses as either technical experts (but not speakers, since there is a professional course trainer), or even as students to learn the basics of their own occupancy regulations (generally, when staff are new to HUD or have moved from a different area of the agency to work in occupancy programs). Clearly, this basic exchange of technical regulatory knowledge benefits industry practitioners (NAHMA members) as well as the federal employees (HUD staff), who ultimately must work together to implement the federal housing programs as intended by Congress.

NAHMA believes that setting policies that restrict knowledge-sharing between the government and trade associations is counterproductive to the administration’s stated aspirations to work in partnership with the business community to create jobs and grow the economy. Therefore, we urge OGE to revise its proposed exception for gifts to allow federal employees to attend substantive educational programs and events held by trade associations, for the same reasons that this exception has been extended to the other types of organizations listed in the proposed rule.

Thank you in advance for your consideration of our comments. Please feel free to contact me at 703-683-8630 for more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristina Cook". The signature is fluid and cursive, with the first name "Kristina" being more prominent than the last name "Cook".

Kristina Cook, CAE
Executive Director