



**NATIONAL SHOOTING SPORTS FOUNDATION, INC.**

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**LAWRENCE G. KEANE**  
SENIOR VICE PRESIDENT  
& GENERAL COUNSEL

October 11, 2011

Don Fox  
Acting Director and General Counsel  
Office of Government Ethics  
1201 New York Avenue, N.W.  
Suite 500  
Washington, D.C. 20005

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

Dear Mr. Fox:

The National Shooting Sports Foundation (NSSF) is the 501(c)(6) tax-exempt non-profit trade association for the firearms and ammunition industry. On behalf of our over 6,000 members, consisting mostly of federally-licensed firearms manufacturers, distributors, and retailers, NSSF submits the following comments on proposed rule RIN 3209-AA04. This proposed rule sets forth that employees of the executive branch of our Federal government are restricted from accepting invitations to widely attended gatherings from lobbying organizations.

The proposed rule limits exceptions to the lobbyist gift ban. One of the proposed limits would “preclude employees from relying on the widely attended gathering (WAG) exception, 5 CFR 2635.204(g)(2), to accept a gift from a registered lobbyist or lobbying organization.” However, the Office of Government Ethics (OGE) has determined that “certain widely attended events provide legitimate educational and professional development opportunities that may further agency interests” and should therefore be exempted from the proposed limit.

In determining which events provide the “legitimate educational and professional development opportunities” necessary to allow a federal employee or political appointee to accept a free invitation from a lobbying organization, we feel that the OGE improperly left out events hosted by trade associations.

Proposed section 2635.203(h)(4) would exclude certain non-profit professional associations, scientific organizations and learned societies from the definition of registered lobbyist or lobbying organization, and therefore would exempt events from these organizations. However, the OGE

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explained in the proposed rule that “although the exclusion is intended to cover a wide range of organizations devoted to various professions and disciplines, OGE does not intend that proposed section 2635.203(h)(4) would cover trade associations, such as associations of manufacturers of particular products.” As we are a trade association, specifically an “association of manufacturers of particular products,” this proposed rule would prevent federal employees and political employees from attending our widely attended gatherings.

By not exempting trade associations in this proposed rule, the OGE hinders the stated goal of allowing federal employee attendance at “legitimate educational and professional development opportunities that may further agency interests.” The NSSF hosts the Shooting, Hunting, and Outdoors Trade (SHOT) Show and the Firearm and Ammunition Manufacturers’ Import/Export Conference, both of which are vital parts of our industry.

The SHOT Show, the largest trade show of its kind, is a chance for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the federal agency which largely regulates our industry, to send many employees to educate our members through multiple seminars and through their participation on the show floor at their booth, which is the busiest of the show. The ATF’s booth is so busy, and the seminars are so widely attended because the ATF provides extremely valuable information to our members who rely on ATF’s guidance to stay in compliance with ATF’s regulations and stay in business. ATF also benefits from direct industry feedback during the SHOT Show. The proposed rule hinders the ability to have a constructive and mutually beneficial dialogue between our industry’s members and its regulators.

With this proposed rule, ATF will also not be able to attend our Firearm and Ammunition Manufacturers’ Import/Export conference. The ATF not only currently sends multiple employees to speak, but they also currently send other ATF employees who would benefit from hearing the presentations by other agencies such as the Bureau of Industry and Security (BIS), the Department of Commerce, the Department of State, the Defense Directorate of Trade Controls (DDTC), and the U.S. Census Bureau - all of which would also be affected by this proposed rule. This rule will make it more difficult for ATF and other government agencies to do their jobs.

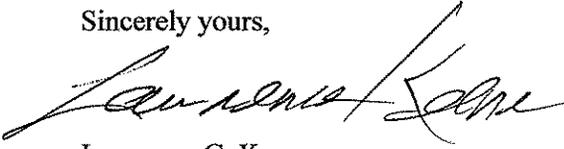
The OGE’s justification for leaving out trade associations is that “trade associations may sponsor educational activities for their members and even the public, but the primary concern of such associations generally is not the education and development of members of a profession or discipline.” This over-generalization of trade associations fails to recognize our very specific education component at our widely attended gathering and ignores the furthering of ATF’s “agency interest.”

Because of ATF’s attendance at SHOT Show and any of our other widely attended gatherings, the ATF learns valuable information about our industry and members. Our other widely attended gatherings include seminars and conferences, which the ATF attends, educates, and learns about specific issues facing our industry. Through communication with our member federal firearms licensees, manufacturers and importers, the ATF is able to establish a working relationship with and educate the industry it regulates. This is surely an “agency interest.”

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For the above reasons, NSSF urges the OGE to reconsider excluding trade associations from the exempted category of events, which federal employees may attend. Thank you in advance for your consideration. If you have any questions, please do not hesitate to contact me at [lkeane@nssf.org](mailto:lkeane@nssf.org) or 203-426-1320.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lawrence G. Keane". The signature is fluid and cursive, with a large initial "L" and "K".

Lawrence G. Keane

LGK/rc/mas