



*Partnering for Electronic Delivery  
of Information in Healthcare*

October 7, 2011

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:

The Workgroup for Electronic Data Interchange (WEDI) is appreciative of the opportunity to comment on 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 gatherings ("WAGs").

WEDI is a section 501(c)(6) trade association composed of both corporate and individual members representing the health care industry. WEDI was initiated in 1991 by then Secretary of HHS, Dr. Louis Sullivan, who had challenged the health care industry to utilize EDI and eCommerce technology to improve the administrative efficiency and effectiveness of health care and the quality of patient care. As a result of our strong advocacy role, WEDI was designated in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) as an "advisor" to HHS and the industry on the development and implementation of standards for administrative efficiency,

A critical part of this advisory role and indeed our overall mission is to provide education and informational resources to the government and the industry regarding HIPAA implementation. WEDI is a valued and critical resource for government officials who attend our numerous conferences, policy forums and educational exhibits. It is here that they have the opportunity to learn about the tools and resources essential to the successful fulfillment of their responsibilities. The proposed amendments referenced above would significantly inhibit their ability to access this important information.

WEDI fully supports OGE's mission to promote high ethical standards for executive branch employees, and is generally accepting of OGE's intention to limit some of the exceptions that may have been used on occasion to permit certain gifts, such as invites to holiday parties or other social events, where the

nexus to the government's interest is attenuated. WEDI is encouraged, further, by OGE's acknowledgement that certain widely attended gatherings can serve important government purposes. OGE justly asserts in its proposed rule that federal employees, including political appointees, should be able to accept offers of free attendance to "substantive events that would provide a legitimate educational or professional development benefit that furthers the interests of an agency." In crafting that exception, OGE proposes to allow government employees to accept invitations to attend educational and professional development activities held by Section 501(c)3 organizations, institutions of higher education, and nonprofit professional associations, scientific organizations and learned societies, without regard to the LDA registration status of these entities.

In explaining the WAG exception, OGE correctly points to the valuable educational and professional development opportunities at these types of programs, but then inexplicably leaves trade associations out of the limited exclusion. OGE contends in its proposed rule 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, which is the focus of the proposed exclusion."

This narrow reading of trade association activities, based on a definition from Encyclopedia Britannica, ignores the important role these organizations 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. While many trade associations engage in advocacy, they also help resolve industry-wide issues that could otherwise threaten economic growth, and set safety and technical standards that benefit everyone in exactly the same way as professional associations, scientific organizations and learned societies.

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. Government employees tasked with promulgating regulations most assuredly benefit from attending programs where they can learn about latest developments, see new product demonstrations, and understand how industries might be impacted by rulemaking. At the same time, trade association members have the opportunity to learn more about agencies' interests and processes, and are better prepared to comply with federal regulations. These educational and professional development programs conducted by trade associations are virtually indistinguishable from those conducted by the other types of organizations listed in the proposed rule. They offer the same benefits to government employees and should qualify for the same exclusion.

On behalf of our Board of Directors and membership, which includes many government employees, I would urge your reconsideration of the above proposed amendments, for the reasons outlined above.

Thank you in advance for your consideration, and if you have any questions, please contact Jim Schuping, CEO at 703-391-2716 or [jschuping@wedi.org](mailto:jschuping@wedi.org) or myself.

Sincerely,

Don Bechtel, Chairman

610-219-1695

[donald.bechteld@siemens.com](mailto:donald.bechteld@siemens.com)

