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**Sent:** Friday, November 04, 2011 2:41 PM  
**To:** USOGE  
**Subject:** Proposed Amendments to Part 2635



RE: RIN 3209-AA04

[Proposed Amendments Limiting Gifts from Registered Lobbyists and Lobbying Organizations]I

The Association of Marina Industries (AMI) 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”).

AMI is a non-profit trade association representing a diverse membership of over 800 marinas, boatyards, yacht clubs, public/private moorage basins, and marine industry vendors and suppliers across the United States. AMI member marinas are among some of the most professionally run facilities in the world providing millions of recreational boaters a wide variety of goods and services each year.

AMI fully supports OGE’s mission to promote high ethical standards for executive branch employees, and to limit some of the exceptions that may have been used on occasion to permit certain gifts where the nexus to the government’s interest is attenuated. AMI is encouraged, further, by OGE’s acknowledgement that certain widely attended gatherings can serve important government purposes and 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.”

What AMI does not support is leaving trade associations out of the limited exclusion that allows government employees to accept invitations to educational and professional development events from Section 501(c)(3) organizations, institutions of higher education, nonprofit professional associations, scientific organizations and learned societies.

AMI completely disagrees with OGE’s contention that trade associations are not excluded because their “primary concern” is not education and professional development. AMI is not only the trade association for marinas but we operate the International Marina Institute and the International Marina and Boatyard Conference. The intent of both of these is the education and professional development of marina operators. We do not have a registered lobbyist, and while we do grassroots efforts to fight or support particular legislation that is not the overarching goal of our organization.

Marinas are located in fragile coastal environments, consequently they are heavily regulated. Building relationships with federal regulations is therefore crucial to ensure the regulators understand marina operations and, in turn, marinas understand the rules that they must follow. To that end we invite federal agency personnel to our events both to speak and just to participate and learn. We have previously held seminars on “what is a marina” specifically for federal agencies and have plans to hold similar events in the future. Attendees at these events in the past have found them informative and very useful in building a better understanding of what works at a marina and what doesn’t.

An example of how such education is of value comes from last year when the DOL proposed a new rule that was written with the assumption many marinas were large businesses when in fact nearly 100% are small businesses that could not have withstood the financial burden of the proposed rule. AMI had to be reactive to a rule that never should have or would have been written had the DOL better knowledge of the industry they were overseeing. By educating federal agencies up front, we are saving them time in writing rules that are impossible for marinas to carry out, and our marinas time in having to explain why such rules simply don't work.

To take the ability to interact with federal agencies away from our association would be devastating and would work to build a wall between industry and regulators where no relationships are built and no knowledge is shared. That can't be what was intended by this amendment since this administration has touted transparency and openness, not legislating and regulating in a vacuum.

AMI urges 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 and if you have any questions, please contact me.

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