

New Federal Employee Gift Rules Targeting Potential Social Interactions Should Be Reconsidered

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Since the Obama Administration published proposed new restrictions on gifts to federal employees from registered lobbyists and lobbying organizations, common themes have emerged that suggest the approach should be reconsidered. In its focus on Lobbying Disclosure Act ("LDA") lobbyists, lobbyist registrants and those registrants' other non-lobbyist employees, the proposed rule may act to stifle beneficial communications between policymakers and subject matter experts simply because the interactions might have a more social component.

For instance, the proposal targets quite commonplace opportunities for interaction between lobbyists and government officials and employees, such as widely attended gatherings. This particular element of the proposal may result in unintended consequences, chilling speech and diminishing the ability of a wide variety of modest concerns to petition their government because they comply with the federal lobbying laws. This advisory seeks not only to identify such areas of concern with the proposal but, also, to emphasize that a more in-depth analysis raises important, though nuanced, questions about the lines the Administration is attempting to draw.

The Office of Government Ethics ("OGE") has [invited comments on the proposed rule](#). Those wishing to submit comments on the proposal may still do so until November 14, 2011.

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