From:	Andrew Gilmour
To:	USOGE
Subject:	"Proposed Rule: Legal Expense Fund Regulation"
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TO: U.S. Office of Government Ethics (OGE)

SUBJECT: ''Proposed Rule: Legal Expense Fund Regulation''

REGARDING: RIN 3209–AA50

I STRONGLY oppose OGE's proposed legal expense fund regulation as drafted.

While establishing a legal expenses fund (LEF) for the benefit of select executive branch employees (specifically including the employee's past or current official positions, including the employee's prior positions on a campaign of a candidate for President or Vice President, or who were part of the Presidential Transition Team) may be appropriate, it MUST be implemented transparently and avoid both the appearance of and/or actual corruption. Creating an exception that makes compliance optional and having an extremely short one-year period of "impartiality" to avoid conflicts of interest related to donors are fundamental flaws in the proposed rule.

OGE should:

- remove the exception that makes compliance with the regulation optional;
- replace the proposed recusal requirement with a broader 5-year recusal requirement that prevents donors of cash gifts from influencing decisions, policies, or regulations affecting them or the industries in which they have substantial interests;
- remove the offensive example #2 involving an accused senior military officer as a sexual harasser of a junior officer. This example is inaccurate as active duty military personnel are specifically subject to the UCMJ, regardless of their official position and whether misconduct occurred outside of official duty hours). If this example remains, the rule will treat military officers working in these specific executive branch positions differently than their peers (other serving military professionals);
- place nonprofit charities (501(c)(3) organizations) on an equal footing with large law firms by allowing them to hire legal counsel for whistleblowers.

Thank you.

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