From: thomasbarnes@frontiernet.net
To: USOGE
Subject: Proposed Rule: Legal Expense Fund Regulation (RIN 3209-AA50)
Date: Monday, June 20, 2022 10:11:00 PM

I know it's a cut and paste, but it's shameful that the OGE isn't doing even more to crack down on abuses of power by government employees.

I oppose OGE's proposed legal expense fund regulation as drafted. 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 involving an accused sexual harasser; and

- place nonprofit charities (501(c)(3) organizations) on an equal footing with large law firms by allowing them to hire legal counsel for whistleblowers.

If it hasn't been done already:

- require creators of legal expense funds to name all donors, the amounts donated, and all intended beneficiaries of the LEF in the same way that the FEC requires candidates to report donor names and contributions.

- prohibit foreign interests (individuals, governments, or corporate entities), or agents working on their behalf, from contributing to a LEF.

- recipients of money from a LEF must declare it as taxable income, unless the LEF is specifically created to assist with whistleblowing efforts, defense against harassment by superiors, non-criminal internal disciplinary disputes (e.g., review board hearings or certain types of court martial), or criminal or civil suits brought against a government employee as a result of their official actions. That is, any money used to defend against criminal or civil complaints due to malfeasance or nonfeasance in office, or criminal or civil complaints not directly related to official duties, should be treated as a gift by the IRS.

- contributions to an LEF, except by family members or coworkers, should be capped in the same way that campaign contributions are (or should be), with a $2,000 maximum per person.