From:	Brandy Herbert
To:	USOGE
Subject:	Proposed Rule: Legal Expense Fund Regulation (RIN 3209-AA50)
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The rule addresses concerns about an unethical scheme that OGE blessed during the Trump administration. Cronies of the White House set up a political organization (a 527 group) to raise cash to cover legal expenses for Trump appointees and others caught up in investigations. Federal officials can't take gifts from certain sources, but the organization's manager could raise money from those sources and the govt had no way to monitor if she was giving the money to Trump appointees. As several Senators pointed out, there was nothing to prevent the organization's manager from pressuring witnesses by withholding money from anyone who testified against Trump. This thing was a nearly perfect vehicle for corruption.
OGE CHOSE TO MAKE THE REGULATION OPTIONAL! A provision in the regulation says an employee can ignore the regulation and follow existing practices — which include setting up corrupt political organizations like the one the Trump administration set up!
The regulation says that big law firms — which make over a billion dollars a year and represent foreign governments and regulated industries — can provide unlimited legal support to officials, BUT it says nonprofits can't hire lawyers for whistleblowers. The regulation includes an example that emphasizes that a senior military officer who is being COURT MARTIALED FOR SEXUAL HARASSMENT can raise funds to fight the accusations. Hey-O! Way to intimidate victims!
Therefore:
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.

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