From: Juan Luna
To: USOGE
Subject: Proposed Rule: Legal Expense Fund Regulation (RIN 3209-AA50)
Date: Tuesday, June 21, 2022 1:44:31 PM

To Mr. Emory A. Rounds, III, Shelly K. Finlayson, and David J. Apol,

I am writing to express my concern about the Legal Expense Fund Regulation (RIN 3209-AA50)
I am completely against the regulation as is written for the following reasons:
1. The regulation should be mandatory for every government official. Any legal expense funds should be raised only by a trust for the government official in line with the established framework set by the OGE and not from any other source.
2. Any recusal should be substantial (i.e. 5 years) to ensure that any legislation will not be influenced by any donations received. The recusal must be mandatory and not at the discretion of the government official receiving the donation.
3. Removal of the example of the senior military official accused of sexual harassment, raising funds for their defense. This example is out of context for the rule that will applied to government officials.
4. Nonprofit charities (501(c)(3) organizations) must be able to hire legal counsel for whistleblowers. This practice should not be limited to large law firms.

In summary,
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.

The Office of Government Ethics must establish a higher bar of conduct so that the public trust in our government is not misplaced.

Sincerely,
Juan Luna