

UNITED STATES OFFICE OF GOVERNMENT ETHICS



April 12, 2018

The Honorable Elijah Cummings
U.S. House of Representatives
2163 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable Gerald Connolly
U.S. House of Representatives
2238 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable Jimmy Gomez
U.S. House of Representatives
1226 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Carolyn Maloney
U.S. House of Representatives
2308 Rayburn House Office Bldg.
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The Honorable Robin Kelly
U.S. House of Representatives
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The Honorable Peter Welch
U.S. House of Representatives
2303 Rayburn House Office Bldg.
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The Honorable Eleanor Holmes Norton
U.S. House of Representatives
2136 Rayburn House Office Bldg.
Washington, DC 20515

The Honorable Brenda Lawrence
U.S. House of Representatives
1213 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Matt Cartwright
U.S. House of Representatives
1034 Longworth House Office Bldg.
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The Honorable William Lacy Clay
U.S. House of Representatives
2428 Rayburn House Office Bldg.
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The Honorable Bonnie Watson Coleman
U.S. House of Representatives
1535 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Mark DeSaulnier
U.S. House of Representatives
115 Cannon House Office Bldg.
Washington, DC 20515

The Honorable Stephen Lynch
U.S. House of Representatives
2268 Rayburn House Office Bldg.
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The Honorable Raja Krishnamoorthi
U.S. House of Representatives
515 Cannon House Office Bldg.
Washington, DC 20515

The Honorable Stacey Plaskett
U.S. House of Representatives
331 Cannon House Office Bldg.
Washington, DC 20515

The Honorable Jim Cooper
U.S. House of Representatives
1536 Longworth House Office Bldg.
Washington, DC 20515

The Honorable Jamie Raskin
U.S. House of Representatives
431 Cannon House Office Bldg.
Washington, DC 20515

The Honorable John Sarbanes
U.S. House of Representatives
2444 Rayburn House Office Bldg.
Washington, DC 20515

Dear Members of the House Oversight and Government Reform Committee:

This responds to your letter dated April 2, 2018, requesting that the Office of Government Ethics (OGE) produce certain documents regarding the Patriot Legal Expense Fund, LLC (the Fund) by April 12, 2018. In addition to this letter, OGE is providing electronic access to the responsive documents, as well as providing them on a flash drive delivered to each of the Committee's minority and majority offices.

In response to your overall inquiry about legal defense funds, it is important to note that there is no proscribed statutory or regulatory framework for establishing such a fund and that OGE does not approve or disapprove of specific legal defense funds. However, such a fund must be operated consistent with the ethics rules that OGE oversees.¹ Therefore, OGE provides guidance to help ensure that federal employees who may receive distributions from a legal defense fund will be in compliance with the ethics laws and rules.² Consistent with its role, OGE provides a template for the establishment of legal defense funds.

¹ See OGE Legal Advisory LA-17-10 (2017).

² *Id.* at 1. ("This includes rules regarding the acceptance of gifts from outside sources and from other employees found in the Standards of Conduct for Employees of the Executive Branch at 5 C.F.R. Part 2635, Subparts B and C; the criminal conflict of interest statutes at 18 U.S.C. §§ 201-209; the public financial disclosure requirements in the



In more specific response to your inquiry with regard to establishment of the Patriot Legal Expense Fund, LLC, OGE reviewed a draft agreement and provided guidance consistent with the terms of OGE's template. OGE found that the ethics provisions in the Fund, established for more than one unnamed individual, were consistent with the approach taken in the template for a fund established for a single, named individual. The Fund also imposes additional restrictions on who the manager can be, includes procedures for screening donors, and requires additional public disclosure of donors. OGE advised that the terms of the Fund, if followed, should ensure that federal employee recipients of distributions from the Fund do not violate the Standards of Conduct or other ethics rules.

Your letter also requests that OGE provide a briefing to Committee staff. OGE welcomes the opportunity to provide the requested briefing and has offered to schedule it after you have had a chance to review the documents being provided. If you have questions about this letter, the documents, or the staff briefing, please do not hesitate to contact Shelley K. Finlayson, OGE's Chief of Staff and Program Counsel, at (202) 483-9314.

Sincerely,



David J. Apol
Acting Director and General Counsel

cc. The Honorable Trey Gowdy, Chairman
Committee on Oversight and Government Reform