Referral to CIGIE

From: Monica M. G. Ashar
To: Patrick J. Lightfoot
Subject: RE: Tagging guidance for Margaret and Christie
Date: Wednesday, April 22, 2020 10:35:53 AM
Attachments: Draft Tagging Form (4-22-2020).docx

Hi Patrick,

Attached are my revisions to the tagging form. I've highlighted the changes in yellow, and made the corresponding changes in the spreadsheet. I'll remove the highlighting before sending it to Margaret and Christie.

Thanks,
Monica

From: Patrick J. Lightfoot
Sent: Tuesday, April 21, 2020 3:08 PM
To: Monica M. G. Ashar <mmgashar@oge.gov>
Subject: RE: Tagging guidance for Margaret and Christie

6 page attachment "Draft Tagging Form (4-22-2020).docx."1 page attachment "Tagging rules (general) (DRAFT) - PJL edits 4.21 2020 docx." 6 page attachment "Draft Tagging Form PJL option B.docx."

Monica,

My comments on the tagging form and tagging rules are attached. Also, you'll see in the tagging form comments that I'm proposing a reorganization of how the tags are displayed, that I think will make it more intuitive for folks filling out the tagging form in the future (and hopefully ensure more consistency in tags that are applied). That's also attached as an option B for your review.

Thanks!

--Patrick

From: Monica M. G. Ashar
Sent: Tuesday, April 21, 2020 1:46 PM
To: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: Tagging guidance for Margaret and Christie

6 page attachment "Draft Tagging Form (4-21-2020).docx." 1 page attachment "Tagging rules (general) (DRAFT).docx."

Hi Patrick,

I was tied up on something else this morning, so I'm just now sending you the draft tagging form. So that you have a chance to look at it, I suggest we try to meet tomorrow instead. There was one place that I changed your shortened description back to the full description (5 U.S.C. app. §§ 401-408—Office of Government Ethics), and there were several places where I added more instances of "consider selecting." I added an "ID" column for my purposes. The ID numbers that are less than 500 are all TBG tag IDs; the 500s are all tags that are newly added. (When Christie and Margaret do their tagging, I may just have them provide me a list of ID numbers for each advisory, but I'm still thinking through that part.) I imagine that there are going to be several changes to the form before it get put

into wider use, but I figure it serves the purpose in the short term.

I've also included the draft general tagging rules that I want to give to Christie and Margaret. There was one example on that document that I was on the fence about – you'll see that it's notated "tag(?)." I'd be curious to get your thoughts on it.

Thanks,
Monica

From:	Monica M. G. Ashar
To:	Margaret E. Yukins; Christie Chung
Cc:	Patrick J. Lightfoot
Subject:	Tagging project
Date:	Wednesday, April 22, 2020 2:43:05 PM
Attachments:	Tagging rules (general) (DRAFT).docx Draft Tagging Form (4-22-2020).docx

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Hi Margaret and Christie,

Thanks again for working on the tagging project. As discussed, you'll be reviewing the program advisories and legal advisories from 2016 forward, and determining which tags should apply to that advisory. Attached is a copy of the new tagging form, as well as a copy of the general tagging rules. I've also made them available through the following folder: [redacted] Each advisory should have its own tagging form; you'll mark the "yes" column if a particular tag applies to the advisory. As I mentioned, don't worry about the header information – providing the advisory title and citation will be fine. Once you're finished with an advisory, you should save its tagging form to the folder listed above.

As Patrick mentioned, many of the 2016-2020 advisories have already been reviewed under the old tagging system. These tagging forms can be found in the following folder: [redacted]. Feel free to take a look at these forms, to the extent you think they may be useful in applying the new tags.

If you have any questions, please don't hesitate to reach out to Patrick or me. Also, the best way to reach me is by phone at x282.

Thanks again,
Monica

From: David Taube
To: Seth Jaffe; Douglas L. Chapman
Subject: revised data and analysis
Date: Wednesday, April 22, 2020 8:27:19 PM
Attachments: FERC (b) (5) -File v03.pdf

Seth and Doug,

I've gone through the FERC advice carefully. A document containing all of my results is attached. The document includes a table describing all (b) (5)

Here are some key points about the information in this document:

- (b) (5)
- (b) (5)

I hope this is helpful. Please let me know if there's anything further I can do.

-David

From: David Taube
Sent: Wednesday, April 22, 2020 09:27
To: Seth Jaffe <sjaffe@oge.gov>
Cc: Douglas L. Chapman <dlchapma@oge.gov>
Subject: RE: sorry I had to go

Thanks, Seth.

Doug and I ended the call as soon as you dropped off. Meanwhile, I've been working on materials to share with y'all; I'm planning to send them out this afternoon.

-David

From: Seth Jaffe
Sent: Tuesday, April 21, 2020 16:31
To: David Taube <dtaube@oge.gov>
Cc: Douglas L. Chapman <dlchapma@oge.gov>
Subject: sorry I had to go

Dave,

Feel free to call me tomorrow if you would like to discuss our response to FERC prior to the call.

Thank you again for your work on this.

Seth

From: David Taube
To: Douglas L. Chapman; Seth Jaffe
Subject: RE: Brief Call?
Date: Thursday, April 23, 2020 1:06:55 PM
Attachments: FERC (b) (5) -File v04.pdf

Doug,

1. This may be unnecessary at this point, but I updated my previous document to [a] fill in more about (b) (5) and [b] add a column regarding (b) (5). See attached.

2. I think you've caught all the relevant numbers in the text of the report. There's one more place, in (b) (5).

3. Just a suggestion, but maybe one way to address FERC's concern about (b) (5)

-

(b) (5)

(b) (5)

I hope this is helpful. Please let me know if there's anything else I can do.

-David

From: Douglas L. Chapman
Sent: Thursday, April 23, 2020 12:26
To: David Taube <dtaube@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: RE: Brief Call?

Here's the list of to-do's as I see them. Let me know what I'm missing.

- I'll look at what they send for the (b)(5) and decide what changes to make. They shouldn't be extensive, (b)(5).
- Can you go through the (b)(5) and confirm that these are the only number changes we need to make:

(b) (5)

.

(b) (5)

(b) (5)

- (b) (5)

(b) (5) [redacted]. I'll look at that and run any potential changes through you before I send it to Chip.

- Certainly, I'll forward their comments to you when I get them so you can consider if there's anything we want to respond to or talk to them about.

If there's anything else, please let me know. And, thanks again for all the help.

Doug

From: David Taube
Sent: Thursday, April 23, 2020 11:58 AM
To: Douglas L. Chapman <dlchapma@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: RE: Brief Call?

okay with me

From: Douglas L. Chapman
Sent: Thursday, April 23, 2020 11:48
To: Seth Jaffe <sjaffe@oge.gov>; David Taube <dtaube@oge.gov>
Subject: Brief Call?

Would you like to do a brief follow-up call? Maybe at 12;00?

Doug Chapman
Chief, Program Review Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW Suite 500
Washington, DC 20005
202-482-9223

(b) (5) [redacted]


(b) (5)

From: Grant Anderson
To: LEGTEAM
Subject: Ethics references in Letter to FEMA Administrator
Date: Thursday, April 30, 2020 4:27:18 PM
Attachments: govdoc20200429-214108.pdf

FYI - the Chair of the House Transportation & Infrastructure Committee sent the attached letter to the FEMA Administrator yesterday, which references ethics.

Included below are requests from the letter related to ethics:

8. Please provide copies of all legal and/or ethical analyses, memorandum, and internal FEMA correspondence regarding the use of volunteers at FEMA headquarters as part of the COVID-19 response.

9. Please provide copies of all submissions to any FEMA Ethics Counselor including the word "COVID-19" or "COVID" or "coronavirus" or "corona virus" or "personal protective equipment" or "PPE" or "medical supplies," from January 1, 2020 to present. This response should include any subsequent correspondence between the FEMA Ethics Counselor to or from the complainant as well as all correspondence from any FEMA Ethics Counselor, including -- but not limited to -- e-mail communications that includes any of the key words cited from January 1, 2020 to present.

From: Grant Anderson
To: LEGTEAM
Subject: Transcript of Supreme Court Oral Argument
Date: Tuesday, May 12, 2020 1:38:30 PM
Attachments: C-Span Transcript - Supreme Court Oral Argument.pdf

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Please see attached for c-span's transcript from the Supreme Court oral argument today in *Trump v. Mazars*.

Highlighted in the attached transcript:

- Ethics in Government Act (3 references)
- Financial Disclosure (4 references)
- Conflict(s) of Interest (4 references)

Excerpts *(note: c-span transcript compiled from uncorrected closed captioning):*

00:30:18
CHIEF JUSTICE ROBERTS: THANK YOU. JUSTICE GINSBURG?

00:30:21
JUSTICE GINSBURG: ONE MUST INVESTIGATE BEFORE LEGISLATION. THE PURPOSE OF INVESTIGATION IS TO FRAME THE LEGISLATION. YOU DON'T HAVE THE LEGISLATION IN MIND. YOU WANT TO EXPLORE WHAT IS THE PROBLEM, WHAT LEGISLATIVE CHANGE AND REDUCE OR ELIMINATE THE PROBLEM. FOR EXAMPLE, THE ETHICS IN GOVERNMENT ACT, CONGRESS MAY DECIDE THAT IT NEEDS TO BEEF UP THAT LEGISLATION. IT MAY ALSO DECIDE THAT, FOR FINANCIAL DISCLOSURE PURPOSES, THERE SHOULD BE DISCLOSURE OF TAX RETURNS. SO, THOSE ARE LEGISLATIVE PURPOSES, INVESTIGATE TO SEE IF YOU NEED LEGISLATION OF THAT SORT AND THEN TO IMPUGN CONGRESS'S MOTIVE AND EVEN THE POLICE MAN ON THE BEAT, IF HE STOPS A CAR AND GIVES A REASON THAT THE CAR WENT THROUGH A STOP SIGN, YOU DON'T ALLOW AN INVESTIGATION INTO WHAT THE SUBJECTIVE MOTIVE REALLY WAS. HERE YOU ARE DISTRUSTING CONGRESS MORE THAN THE COP ON THE BEAT.

00:31:43
MR. WALL: I ABSOLUTELY AGREE THAT CONGRESS CAN INVESTIGATE IN SERVICE OF WHAT LEGISLATION MIGHT BE NEEDED. OUR SUBMISSION IS MOST MORE MODEST THAT WHEN THE LEGISLATION , WHEN THE INQUIRY INVOLVES THE PRESIDENT, THAT YOU NEED A SOMEWHAT HIGHER STANDARD WITH RESPECT TO PURPOSE BECAUSE THE ROOM FOR REGULATING THE PRESIDENT IS SO MUCH NARROWER WITH RESPECT TO PRIVATE PARTIES. BECAUSE OF THE DANGERS OF HARASSING AND DISTRACTING AND UNDERMINING THE PRESIDENT AND THAT IS A COMMON THEME THAT RUNS THROUGH THE COURT CASES THAT THE PRESIDENT HAS

SOME MEASURE OF PROTECTION BECAUSE YOU CANNOT PROCEED AGAINST THE PRESIDENT AS AGAINST AN ORDINARY LITIGANT. I'M SAYING CONGRESS IS NOT MET THAT STANDARD HERE.

00:36:10
JUSTICE ALITO: THERE ARE DISCLOSURE REQUIREMENTS THAT WOULD APPLY TO THE PRESIDENT AND THERE IS ALSO MENTION OF CONFLICT OF INTEREST LEGISLATION THAT MIGHT APPLY TO THE PRESIDENT. DOES CONGRESS HAVE THE POWER TO REGULATE THE PRESIDENT IN THESE WAYS?

00:36:28
MR. WALL: I THINK IT'S VERY UNLIKELY THAT EVEN THE D.C. CIRCUIT JUDGE DID NOT RELY ON THAT BECAUSE OF THE SERIOUS CONSTITUTIONAL QUESTIONS IMPOSED THAT IF YOU DISABLE THE EXECUTOR FROM MANAGING SOME PART OF THE EXECUTIVE BRANCH, FINANCIAL DISCLOSURES ARE THE HARDEST AND WHAT I WOULD SAY IS, IF THE HOUSE IN ITS BRIEF HAD EXPLAINED WITH ANY SPECIFICITY WHAT IT MIGHT WANT TO DO TO THE ESSEX -- TO THE ETHICS IN GOVERNMENT ACT AND WHITE NEEDS THESE DOCUMENT, WE CAN HAVE THAT DEBATE. WE DON'T EVEN GET THERE BECAUSE ALL THEY SAY IS WE MIGHT WANT TO AMEND THE EGACE WHICH WAS A BUILD AG HOUSE PASSED BEFORE IT HR1 BEFORE THEY EVEN ISSUE THE SUBPOENAS. I DON'T KNOW WHAT THE HOUSE WANTS TO DO WITH ANY SPECIFICITY SO IT'S HARD TO SAY WHETHER THAT VALID LEGISLATION.

00:42:44
JUSTICE GORSUCH: COUNSEL, I BELIEVE IN EARLY DISCUSSIONS, YOU INDICATED CONGRESS MIGHT BE ABLE TO REGULATE THE AREA FINANCIAL DISCLOSURES OF THE PRESIDENT. THAT IS ONE OF THE INTERESTS OF THE HOUSE HAS ASSERTED HERE. WHAT MORE WOULD YOU REQUIRE THE HOUSE TO DO TO ASSERT THAT INTEREST? WHAT WOULD BE ENOUGH IN YOUR MIND TO DEMONSTRATE THE HEIGHTENED NEED YOU SUGGEST AS NEEDED?

00:43:13
MR. WALL: I DON'T THINK IT HAS TO GO PROVISION BY PROVISION. I THINK IT HAS TO DESCRIBE THE POSSIBLE LEGISLATION WITH ENOUGH SPECIFICITY TO ENABLE MEANINGFUL JUDICIAL REVIEW. WE KNOW THE PRESIDENT IS REQUIRED IS -- TO DISCLOSE CERTAIN THINGS FROM THE ETHICS IN GOVERNMENT ACT.

00:43:30
JUSTICE GORSUCH: I'M SORRY TO INTERRUPT BUT LET'S SAY THE HOUSE SAYS WE ARE CONSIDERING LEGISLATION ON WHETHER TO REQUIRE PRESIDENTIAL CANDIDATES TO

DISCLOSE THEIR TAX RETURNS FOR A SET NUMBER OF YEARS. WOULD THAT BE SUFFICIENT AND IF NOT WHY NOT?

00:43:46
MR. WALL: I THINK THAT MIGHT BE AND THEN YOU HAVE TO LOOK AT WHAT THEY WERE GOING AFTER FROM THE VARIOUS CAMPAIGNS. IT WOULDN'T GET NEAR THESE PRESIDENTS -- THESE SUBPOENAS. THEY WOULD BE IDENTIFYING WITH SOME SPECIFICITY WHAT THEY WERE THINKING ABOUT DOING AND THEN IT WOULD TEAR UP THE HARD CONSTITUTIONAL QUESTION ABOUT REGULATING A CONSTITUTIONAL CREATED OFFICER WITH RESPECT TO DISCLOSURES AND THAT'S FRANKLY HARD QUESTION. THAT'S THE HARDEST OF ALL THE POSSIBLE LEGISLATION THEY POINTED TO. I DON'T SEE HOW WE CAN HAVE THAT DEBATE IN THIS CASE BECAUSE WE HAVEN'T -- THEY HAVEN'T HAD A MEANINGFUL JUDICIAL REVIEW. IT GOES AGAINST THE HOUSE, NOT THE PRESIDENT.

01:04:47

JUSTICE SOTOMAYOR: WE ARE LIMITED IN TIME, AND ON THAT ISSUE OF WHAT LAWS ARE POSSIBLE, I CAN SEE THE ARGUMENT ON CONFLICT OF LAW, BUT AREN'T THERE ALREADY A LOT OF DISCLOSURE LAWS IN PLACE? HOW COULD THIS INVESTIGATION HELP IMPROVE THOSE OR CHANGE THOSE?

01:05:49
MR. LETTER: I ASSUME YOU ARE REFERRING TO DISCLOSURE BY THE PRESIDENT, SO WE WOULD HAVE TO LOOK TO SEE WHAT EXACTLY THE OVERSIGHT COMMITTEE WAS LOOKING AT. DO WE NEED BETTER LAWS ABOUT CONFLICTS OF INTEREST? BETTER LAWS ABOUT A PRESIDENT DEALING IN CONTRACTS WITH GOVERNMENT AGENCIES, THE CONGRESS COULD LIMIT GOVERNMENT AGENCIES'S ABILITY TO KEEP CONTRACTS WITH ELECTED PUBLIC OFFICIALS. IN ADDITION, CONGRESS MAYBE WOULD WANT TO PROVIDE FOR MORE EXPOSURE OF ASSETS AND CONFLICTS OF INTEREST.

01:28:31

JUSTICE KAGAN: I'M WONDERING IF I COULD ASK YOU TO COMMENT ON THE DIFFERENCE BETWEEN THE OVERSIGHT AND INTELLIGENCE COMMITTEE SUBPOENAS, AND ON THE OTHER HAND THE FINANCIAL SERVICES SUBPOENA, THE FIRST TWO SUBPOENAS ADDRESS THE PRESIDENT DIRECTLY, THE FINANCIAL DISCLOSURES, CONFLICT OF INTEREST, FOREIGN INVOLVEMENT IN PRESIDENTIAL CAMPAIGNS. THE BANKING COMMITTEE WAS TAKING A MUCH BROADER SCOPE, AND WENT THAT IS TRUE, WHEN CONGRESS DOES NOT SEEM TO BE LOOKING INTO THE PRESIDENT, BUT IN A MUCH BROADER TOPIC, MIGHT THERE NOT BE

SOME HEIGHTENED NEED FOR CONGRESS TO SAY WHY IT IS THAT THEY ARE FOCUSING ON RESIDENTIAL RECORDS FOR THAT PURPOSE?

01:29:58
MR. LETTER: I THINK THAT STILL WOULD GET INTO WHAT RAISED MAJOR SEPARATION OF POWERS PROBLEMS AS A COURT WOULD HAVE -- WHEN ASKED CHAIRMAN'S OF VARIOUS COMMITTEES TO COME TESTIFY AS TO WHAT THEY WERE DOING AND WHY. YOU ARE CERTAINLY RIGHT IN YOUR DESCRIPTION. THERE ARE 11 SUBPOENAS ISSUED BY FINANCIAL SERVICES, ETC., AND ONLY TWO OF THEM HAVE TO DO WITH THE PRESIDENT. THIS IS A BROADER INVESTIGATION. AND THERE'S A MASSIVE PUBLIC REPORTING ABOUT THE SUBJECTS OF THE SUBPOENAS AND THEIR BANKING PRACTICES. THESE HAVE BOTH BEEN SANCTIONED MANY MILLIONS OF DOLLARS BY REGULATORS FOR FAILING TO PROPERLY COMPLY WITH MONEY LAUNDERING LAWS.

From: David Taube
To: David J. Apol; Deborah J. Bortot; Seth Jaffe; Heather A. Jones; Kimberly L. Sikora Panza
Cc: David Taube
Subject: pre-reads for meeting about (b) (5) - [Message contains CUI]
Date: Friday, May 15, 2020 11:30:57 AM

== CONTROLLED ==
Email contains CUI.

ALCON:

I've scheduled a meeting for Tuesday afternoon so we can discuss a situation at (b)(5) and (b)(6)

The specific issue involves (b)(5) and (b)(6)

- [redacted]
- [redacted]

At our meeting, we will consider whether (b)(5) and (b)(6) The focus of the meeting will be on whether (b)(5) and (b)(6).

Here are some materials relevant to this question:

(b)(5) and (b)(6)

[redacted]

If you have any questions or concerns in advance of the meeting, please let me know.

-David

From:	David Taube
To:	Seth Jaffe; David J. Apol
Cc:	Christie Chung; David Taube
Subject:	Social Media LA -- very very preliminary draft
Date:	Friday, May 15, 2020 1:21:58 PM
Attachments:	LegalAdvisory-SOCMED v01.08djt~20E.DOCX

Dave and Seth,

When we had our last meeting to discuss the Social Media legal advisory, you asked us to send whatever we had as of May 15. Since then, Christie and I have each worked on a small piece of the advisory. This very early, partial draft is attached. It's very RUFF .

Please let us know if you have any feedback. Meanwhile, we'll keep writing.

-David

From:	David J. Apol
To:	David Taube
Cc:	Christie Chung; Seth Jaffe
Subject:	LegalAdvisory-SOCMED v01.08djt~20E.DOCX
Date:	Friday, May 15, 2020 5:40:11 PM
Attachments:	LegalAdvisory-SOCMED v01.08djt~20E.DOCX

Good start, David. Thanks.

A couple initial questions.

Have a good weekend!

Dave

From:	Shelley K. Finlayson
To:	Diana Veilleux; Seth Jaffe
Subject:	FW: National Labor Relations Board
Date:	Monday, May 18, 2020 11:12:30 AM
Attachments:	2019.1.28 Comment from Rep. Scott and Sen. Murray.pdf Amended Board Decision (1).pdf HR074.littler hotline exhibit a.pdf

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-------- Original message --------
From: "deCant, Kyle"
Date: 5/18/20 11:10 AM (GMT-05:00)
To: "Shelley K. Finlayson"
Cc: "Mooney, Katelyn" , "Yu, Cathy" , "Nsor, Janice"
Subject: RE: National Labor Relations Board

Hi Shelley,

Thanks for taking the time to speak with us last week. As we noted over the phone, we continue to have concerns regarding the Board's ethics and recusal report, and continue to believe that a special report is necessary to determine whether Board Members have been complying with applicable statutes, regulations, and other governing authorities, particularly with respect to the joint employer rulemaking and the adjudication in *McDonald's*. We note that OGE has recently completed a similar special review of the Federal Energy Regulatory Commission.

We understand from last week's call that OGE has arrived at an understanding with the Board that the Board would post its January 9 letter, which contained proposed revisions to the report, on its ethics page with the understanding that the Board would consider those revisions as encapsulated in the report. However, we continue to be concerned about three things relating to this arrangement. First, nothing on this page informs the public that the Board has revised the Ethics Report since November 2019. Second, although the Board's revision to page 34 of the report crosses out that the Member can "invoke statutory process" to challenge a DAEO, it leaves in that the Member can "ultimately, insist on participating in the matter" even after the DAEO report disqualifies the Member. We have especially strong concerns regarding the Board's claim that a Member can be both "disqualified" from a case under 5 CFR § 2635.502(c) and also legally be able to participate in a case. Our understanding of the regulation is that a DAEO's determination that recusal is necessary is binding on an employee. Third, in the Board's April 7 letter to Senator Warren, the Board provides the unrevised language that includes "invoke statutory process" and even claims that "OGE has assured us, through our DAEO, that our conclusion is correct" but does not mention that it revised this very language at OGE's request.

The very fact of the *Hy-Brand* incident means that an OGE special review would be more appropriate than the Board conducting its own review, and the three concerns above indicate that the NLRB may not be adhering to its arrangement with OGE in good faith. Moreover, our Committee continues to raise serious concerns over how the Board has handled conflicts of interest in joint employer cases, as we discussed on the phone. Immediately after vacating *Hy-Brand*, the Board initiated a rulemaking to implement the same rule it sought to implement through *Hy-Brand*. I have attached our public comment in this rulemaking—pages 14-16 note that Committee staff conducted an *in camera* review of the DAEO memo permitting Member Emanuel to participate in the case, and raises the concern that the memo nowhere considers the specific facts of that rulemaking. The Final Rule

on page 7 confirms that Committee staff reviewed the memorandum that "determined that Member Emanuel was not disqualified from participating in this rulemaking," but rejected our concerns that it did not analyze the facts by writing, "This vague claim does not undermine the DAEO's determination." On the phone, you noted that these memos involve fact-specific analysis, but there is a distinction to be drawn between deferring to a DAEO's factual findings and deferring to a DAEO's failure to consider the facts at all.

Our concern here is that the DAEO did not analyze any facts involving the rulemaking, let alone the timing of the rulemaking immediately after vacating *Hy-Brand* and the fact that it proposed the same rule as the standard in *Hy-Brand*. I have also attached the Board's decision in *McDonald's*, which describes the DAEO memo clearing Member Emanuel (although the Board has refused to produce this memo in response to Congressional oversight). The memo does not appear to address the fact that Member Emanuel's former law firm ran a hotline advising McDonald's of the exact labor law issues that were before the agency, and I have attached a flier McDonald's supplied its franchisees about the hotline. The flier was submitted into the record of that case, and the number for the hotline has been up for the duration of the case. This indicates that Littler was providing legal services to McDonald's and its franchisees while the Member Emanuel was participating in the case.

There is a broader concern at issue here, as well. In issuing this lengthy report and pushing back against the OGE's guidance, the Board has focused on finding ways to override mandatory recusals ordered by the DAEO. This raises questions about the independence of the ethics program, and we are concerned that OGE is not doing enough to prevent agency capture of ethics officials at the Board. Chairman Ring's revisions to the ethics report do not answer the question of what happens when the Chairman or other Board Members disagree with a DAEO's recusal determination. Further, the back-and-forth over this report has also left unresolved concerns that the DAEO and other ethics officials may be pressured to ignore the appearance of a conflict of interest.

In light of all this, we remain extremely concerned about whether the NLRB's ethics program is able to operate independently of the Chairman, and continue to believe that a special review from OGE is necessary to examine this problem. We also ask that you provide us answers to the following questions:

1. What standard does OGE apply when determining whether to conduct a special review at an agency?
2. What steps has OGE taken to ensure that DAEOs across the government are able to function with independence from the senior political leaders of their agencies?
3. How would OGE know if an agency's DAEO and ADAEO lack independence from the senior political leaders of the DAEO's agency? How does OGE gather information regarding their independence and what indicators does OGE consider?
4. Has OGE's monitoring of agencies ever identified a DAEO or ADAEO lacking independence from the political leaders of their agency in the past five or 10 years? If so, please provide a brief explanation of the circumstances, including the year in which this occurred and the name of the agency.
5. What assurance does OGE have that the NLRB's ethics program is able to operate independently from the Chairman, and what assurance does OGE have that the Board's DAEO and ADAEO are not under pressure to refrain from directing Board Members to recuse themselves from cases?
6. What is OGE's understanding as to how, going forward, the Board will resolve a disagreement between the DAEO or ADAEO and a Board Member regarding the need to recuse from a case?

7. For the Inspection Report of the NLRB OGE issued in June 2019, how many pieces of advice and guidance did you sample? What time period did the samples cover? How many of them were directed to the Board Members or General Counsel? How many of the ones directed to Board Members or General Counsel involved a question as to the necessity of recusal?
8. How often have Board Members requested advice from the DAEO or ADAEO regarding the need to recuse from specific cases over the past three years? In each case, did the DAEO or ADAEO consider all relevant facts and correctly apply the legal standards to the facts they found?
9. What steps are the Board's DAEO and ADAEO taking to screen cases to ensure that Board Members are not participating, during the relevant period, in decisions that either (a) involve their former employers and clients as parties, or (b) directly affect the interests of their former employers and clients? Are these steps adequate?

Please provide answers to the above questions by June 1, and please also let us know if we can provide any additional information.
Thanks,
Kyle

From: deCant, Kyle
Sent: Tuesday, May 5, 2020 5:50 PM
To: Shelley K. Finlayson
Cc: Mooney, Katelyn ; Yu, Cathy ; Nsor, Janice
Subject: RE: National Labor Relations Board
Thanks again, Shelley. We can use the conference line below at the time.
(b)(6) - conference access phone number
Participant Code: (b)(6) - conference access code
Best,
Kyle

From: Shelley K. Finlayson <skfinlay@oge.gov>
Sent: Tuesday, May 5, 2020 4:39 PM
To: deCant, Kyle <(b) (6)>
Cc: Mooney, Katelyn <(b) (6)>; Yu, Cathy <(b) (6)>; Nsor, Janice <(b) (6)>
Subject: RE: National Labor Relations Board
Great. Please let me know if you will send around a conference line or you would like us to set one up.
Best,
Shelley

From: deCant, Kyle [mailto:(b) (6)]
Sent: Tuesday, May 5, 2020 3:19 PM
To: Shelley K. Finlayson <skfinlay@oge.gov>
Cc: Mooney, Katelyn <(b) (6)>; Yu, Cathy <(b) (6)>; Nsor, Janice <(b) (6)>
Subject: RE: National Labor Relations Board
Thanks so much for the quick reply, Shelley. Monday at noon would work on our end.
Best,

Kyle

From: Shelley K. Finlayson <skfinlay@oge.gov>
Sent: Tuesday, May 5, 2020 3:00 PM
To: deCant, Kyle <(b) (6)>
Cc: Mooney, Katelyn <(b) (6)>; Yu, Cathy <(b) (6)>; Nsor, Janice <(b) (6)>
Subject: RE: National Labor Relations Board

Hi Kyle –

Thanks for reaching out. I am well and hope you and your family are likewise healthy and safe.

We can be available for a call on Monday between 11:30 and 1:30. Does a time during that period work for you? If not, we are also available on Wednesday from 1-2:30.

Thanks,

Shelley

Shelley K. Finlayson
Chief of Staff and Program Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
(202) 482-9314
skfinlay@oge.gov
Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics

From: deCant, Kyle [mailto (b) (6)]
Sent: Tuesday, May 5, 2020 1:24 PM
To: Shelley K. Finlayson <skfinlay@oge.gov>
Cc: Mooney, Katelyn <(b) (6)>; Yu, Cathy <(b) (6)>; Nsor, Janice <(b) (6)>
Subject: National Labor Relations Board

Hi Shelley,

I hope you are staying safe and healthy in this tumultuous time. We were wondering if you have time on Friday or early next week to discuss steps that OGE and the NLRB have taken after the exchange of letters on December 19 and January 9, respectively, regarding the NLRB's report on ethics and recusal policies. Our Committee has conducted significant oversight of ethics and recusal issues at the NLRB; we continue to have concerns in this space, and are interested in whether the Board will update its report in light of OGE's concerns. Please let us know if there's a time that works for you, and we can reserve a conference line.

Thanks,

Kyle A. deCant | Labor Policy Counsel
Committee on Education and Labor
Chairman Robert C. "Bobby" Scott
Office: (b) (6)
Cell: (b) (6)

From: Patrick J. Lightfoot
To: Monica M. G. Ashar
Subject: RE: Spreadsheet for older advisories
Date: Tuesday, May 19, 2020 12:16:55 PM
Attachments: Tagging Form - Website Legal Research Portal (2020).pdf

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Monica,

That makes sense to me! I'll send out an invite for something tomorrow afternoon that works with everyone's schedules. Also, for reference, I've attached the completed PDF tagging form for future use.

--Patrick

From: Monica M. G. Ashar
Sent: Tuesday, May 19, 2020 12:14 PM
To: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: Spreadsheet for older advisories

Hi Patrick,

(I started typing this email, and then I realized that it may be useful to set up a WebEx meeting so that I can walk them through the new spreadsheet. Could you schedule something for the four of us for tomorrow afternoon? Anytime is fine.)

In the Christie and Margaret folder, I've saves an Excel file called "Older Advisories" – at the moment, it has one worksheet, which is called "batch 1." Each row in the spreadsheet generally has one advisory matched with one tag. All of the tags for a particular advisory are together (i.e., they're not spread out in different parts of the spreadsheet).

The advisories that have orange cells need a little more review. For those, I've indicated in the right column the tags that I think might apply. What I need Christie and Margaret to do is to look at those cells, review the advisory, and make a determination on whether the suggested tags should apply. Some advisories don't have any orange cells – those are OK. In many cases, I don't write out all of the potential tags – sometimes I use the shorthand "207-related" or "representation-related." I think what I'm then going to have them do is to create new rows in the spreadsheet – one for each tag – but I'd like to demonstrate this before I get them started on it.

Thanks,
Monica

From: Grace A. Clark
To: Agency Wide
Subject: Asian American and Pacific Islander Month
Date: Thursday, May 21, 2020 9:09:23 PM
Attachments: 2020 Asian American and Pacific Islander Heritage Month2 (005).pdf

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Greetings,

On behalf of OGE's Special Emphasis Program (SEP) Committee, I hope that you and your family are safe and healthy. We are in an unprecedented time with no idea when our normal way of life will return. Brace yourself, we may have to adjust to a "New Normal".

May is National Asian American/Pacific Islander Month and we would like to take this time to recognize the achievements and contributions made by Asian Americans and Pacific Islanders (see the attachment).

Unfortunately as COVID-19 upends American life, Chinese-Americans face a double threat. Not only are they grappling like everyone else to avoid the virus, they are also contending with growing racism in the form of verbal and physical attacks. Other Asian-Americans from Korea, Vietnam, the Philippines, Myanmar, and other places are also being unfairly attacked. Of course Chinese Americans or other Asian Americans are not the cause, source, or reason for COVID-19, and they bear no responsibility for the virus.

U.S. Rep. Grace Meng (D-NY) introduced a resolution in the U.S. House of Representatives that denounces the anti-Asian sentiment caused by the outbreak of the coronavirus. We must always remember as Americans that we share common goals - to stay safe and healthy, to be nice and kind, to take care of our families, and to help others where and when we can.

The SEP Committee's plan is to have a program for every special emphasis observance this year. Although we were not able to collectively celebrate together for National Women's History Month in March, we would like to pay homage to the "Valiant Women of the Vote". The Valiant Women of the Vote was the theme for Women's History Month 2020. The theme is meant to celebrate the women who have fought for woman's right to vote. In recognition of the centennial of the 19th Amendment, we honor women from the original suffrage movements as well as 20th and 21st century women who have continued the struggle. We also salute every woman for all that they do, for all of their sacrifices, for all of their contributions and achievements, for their part in shaping this country, raising their families, excelling in their businesses/work, enriching the culture of our nation, and for who they are.

The next observance is in June - LGBTQ Pride Month

Stay safe and healthy,
Special Emphasis Program Committee

From: Seth Jaffe
To: David J. Apol
Subject: Article
Date: Wednesday, May 27, 2020 11:22:11 AM

Dave,

Just Security discusses the Standards of Conduct and President Trump's statement that appeared to contravene restrictions on federal employees' misuse of position. The President's Inversion of the Government's Ethical Conduct Standards, Right Before Americans' Eyes

Seth

From: Patrick J. Lightfoot
To: Kimberly L. Sikora Panza
Subject: RE: Component Designation PA for posting June 1, 2020
Date: Wednesday, May 27, 2020 2:15:24 PM
Attachments: Tagging Form - Website Legal Research Portal (2020).pdf

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Will do! Interesting…he e-signed the Word version instead of a PDF. I suppose that still works!

Re: uploading things to the file room. Yes, I handle the actual upload (note: I still need to do so for LA-20-03 as well), although it's a little more tedious with everything electronic as compared to things being assembled in a physical folder With that in mind, before I do that part for both advisories, could you do a couple of additional housekeeping things?

1. Complete the new Tagging Form for each advisory (attached) – I'm replacing the old linked tagging form in the LA SOP in the next few days so we can ensure that folks are completing the correct one going forward.
2. Compile the various docs that should be filed into a single PDF for uploading (including the final PDF version of the advisory), and then leave the e-signed advisories as a standalone doc (that gets saved/uploaded separately).

On the filing front, I've got a completely unrelated question for you on old component designation files/prosecution surveys – but we can discuss that as time permits [either now if you have the time or later if not].

From: Kimberly L. Sikora Panza
Sent: Wednesday, May 27, 2020 2:05 PM
To: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: Component Designation PA for posting June 1, 2020

Hello, friend,

Emory has signed the Component Designation PA, so it is ready for posting on June 1, 2020. That document is attached; I also attach the Comms content that was approved.

Can you handle the posting/comms on Monday, please?

And in terms of getting the file to the file room, can you refresh my recollection – do you do that? Do I do that? (Apparently your friend Lindsey is new at this….)

Gracias,
Lindz

_____

Kimberly L. Sikora Panza
Associate Counsel

From: Patrick J. Lightfoot
To: Kimberly L. Sikora Panza
Subject: RE:
Date: Wednesday, May 27, 2020 4:55:17 PM
Attachments: Tagging Form - Website Legal Research Portal (2020).pdf

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The goal is to really just tag the concepts that are covered/analyzed in the document, rather than everything that might be mentioned. I suppose it would've been helpful for me to send the FULL PDF that's got a reference page at the end (attached) and copied below.

I would think for yours you would probably do 208, 2640, and conflicting financial interests. That said, I don't think direct and predictable would be wrong either, given the stress added to that phrasing at the end of the LA…but I defer to your judgment on that.

Tag if it explains/aids in understanding of the substance of the tag

Example: do not tag with Part 2638: "Your letter requests that OGE issue a 'formal' opinion. While OGE does have the authority to issue formal advisory opinions, we have considered the criteria set forth in subpart C of 5 C.F.R. part 2638 and have determined that a formal opinion is not appropriate in this case." (08x6)

Example: tag with 18 U.S.C. § 207(f): "It is also significant that a position waiver under section 207(c)(2)(C) has the additional effect of categorically exempting senior employees from the restrictions in 18 U.S.C. § 207(f) with respect to activities on behalf of foreign entities. *See* 68 *Federal Register* 7844, 7867 (February 18, 2003)(preamble to proposed rule describing waiver procedure and relationship to foreign entity restrictions)." (from 06x5)

Example: do not tag with 5 U.S.C. app. §§ 401-408: "As an initial matter, although OGE has authority to provide interpretive assistance concerning 18 U.S.C. § 207, OGE is not authorized to make a determination that an individual has violated 18 U.S.C. § 207 or any other criminal conflict of interest law. *See* Ethics in Government Act, 5. U.S.C. app. § 402(f)(5)." (from 05x6)

Do not tag brief, passing references that restate the substance of the tag without providing additional explanation

Example: do not tag with 18 U.S.C. § 207(a): "In addition, other provisions of section 207, such as section 207(a), could affect your plans to represent others before the [agency]." (from 07x15)

Example: do not tag with 18 U.S.C. §§ 207(b) or (f): "If the former employee is able to remain 'behind-the-scenes,' he will not violate any of the three main [§ 207] prohibitions discussed in Question 7. Note that the less frequently applicable provisions in section 207(b), (f) and (l) do cover certain behind-the-scenes activities." (from 06x7)

Example: tag with 18 U.S.C. §§ 207(a) or (b): "It is worth noting here that, while former senior level SGEs are subject to narrower restrictions on their post-employment activities before their former agencies than former regular senior level employees, all former SGEs are subject to the same restrictions as former regular employees, as set forth in the more general provisions of this statute,

namely, sections 207(a) and (b).” (from 03x5))

From: Kimberly L. Sikora Panza
Sent: Wednesday, May 27, 2020 4:48 PM
To: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject:

So question for you, king of the new tagging form. What tags would you use for my stock LA? I was going to just select 208 and 2640. But should I also select “conflicting financial interests”? “direct and predictable”? I was leaning no, bc the LA doesn’t go into a comprehensive analysis of this, but I wasn’t exactly sure how they were meant to be construed/applied…

_____

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From:	Patrick J. Lightfoot
To:	Wendy G. Pond; Kimberley H. Kaplan; Rolando DeLeon; Bernadette Tolson; Christopher Brown; Kehli Cage; Steven Corbally; Suzanne L. Meyer
Subject:	RE: insight request
Date:	Thursday, May 28, 2020 1:54:47 PM
Attachments:	regulatory_review_at_the_end_of_the_administration.pdf

(b) (5) [redacted]

(b) (5) [redacted] Here's the Trump regulatory freeze for reference: https://www.whitehouse.gov/presidential-actions/memorandum-heads-executive-departments-agencies/

--Patrick

From: Wendy G. Pond
Sent: Thursday, May 28, 2020 1:36 PM
To: Kimberley H. Kaplan <khkaplan@oge.gov>; Rolando DeLeon <rdeleon@oge.gov>; Bernadette Tolson <btolson@oge.gov>; Christopher Brown <cbrown@oge.gov>; Kehli Cage <kcage@oge.gov>; Steven Corbally <scorball@oge.gov>; Suzanne L. Meyer <slmeyer@oge.gov>
Cc: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: RE: insight request

I meant to add: (b) (5) [redacted]. I've copied Patrick Lightfoot because he may have insight on that specific issue.

(b) (5) [redacted]

From: Wendy G. Pond
Sent: Thursday, May 28, 2020 1:34 PM
To: Kimberley H. Kaplan <khkaplan@oge.gov>; Rolando DeLeon <rdeleon@oge.gov>; Bernadette Tolson <btolson@oge.gov>; Christopher Brown <cbrown@oge.gov>; Kehli Cage <kcage@oge.gov>; Steven Corbally <scorball@oge.gov>; Suzanne L. Meyer <slmeyer@oge.gov>
Subject: RE: insight request

I think Kim has covered both possibilities in her comments, but I think an important threshold question is (b) (5) [redacted]

From: Kimberley H. Kaplan
Sent: Thursday, May 28, 2020 1:07 PM
To: Rolando DeLeon <rdeleon@oge.gov>; Bernadette Tolson <btolson@oge.gov>; Christopher Brown <cbrown@oge.gov>; Kehli Cage <kcage@oge.gov>; Steven Corbally <scorball@oge.gov>; Suzanne L. Meyer <slmeyer@oge.gov>; Wendy G. Pond <wgpond@oge.gov>
Subject: RE: insight request

Hi Roland,

(b) (5) [redacted]

[redacted]

While not specifically an OGE issue, it makes sense that an agency would consider (b) (5) [redacted]

It also seems not outside the realm of possibility that there could be a (b) (5) [redacted]

Those are my 2 cents.

Best,

Kim

From: Rolando DeLeon
Sent: Thursday, May 28, 2020 9:28 AM
To: Bernadette Tolson <btolson@oge.gov>; Christopher Brown <cbrown@oge.gov>; Kehli Cage <kcage@oge.gov>; Kimberley H. Kaplan <khkaplan@oge.gov>; Rolando DeLeon <rdeleon@oge.gov>; Steven Corbally <scorball@oge.gov>; Suzanne L. Meyer <slmeyer@oge.gov>; Wendy G. Pond <wgpond@oge.gov>
Subject: insight request

Team,

I need some depth of knowledge only a team can help with. The agency head is seeking guidance on (b)(5) [redacted]
AIMS entry here

My assumption is this is (b)(5) [redacted]

Rolando DeLeon
Government Ethics Specialist
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington DC 20005
202.482.9284
Rolando.DeLeon@oge.gov

From: Seth Jaffe
To: David Taube
Subject: RE: items relating to official social media
Date: Friday, May 29, 2020 11:18:45 AM

David,

Thanks for the information.

Seth

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: David Taube <dtaube@oge.gov>
Date: 5/29/20 9:09 AM (GMT-05:00)
To: Christie Chung <cchung@oge.gov>, Seth Jaffe <sjaffe@oge.gov>, "David J. Apol" <djapol@oge.gov>
Cc: David Taube <dtaube@oge.gov>
Subject: items relating to official social media

ALCON:

There were a couple of items published this week that might be worth our attention.

First, President Trump issued an "Executive Order on Preventing Online Censorship." It contains some instructions for agencies, including conducting a review of how they are spending money on social media. (b) (5) [redacted] (It hasn't been published yet in the Federal Register, but I think that's what we'll want to cite eventually.)

Second, Digital.Gov published an article titled "Who's on Your Digital Dream Team?" It covers a variety of digital activities, including social media. (b)(5) [redacted]

Thanks,
David

From: Olivia George
To: Seth Jaffe
Subject: bill comparison tool
Date: Thursday, June 4, 2020 12:40:24 PM
Attachments: HR 1 related bills.png

Seth,

I wanted to send over the Pro Bill Analysis for H.R. 1 for your reference. I'm including a screenshot of the Legislative Compass with similar ethics reform legislation- let me know if you'd like to take a look at any of these features, including the Bill Version Comparison tool.

Best,

Olivia

Pro Bill Analysis: H.R. 1 – For the People Act of 2019

House Democrats on Feb. 26 took a big step in fulfilling one of their major campaign promises of last year's midterms, advancing a sweeping voting rights, election security, campaign finance and ethics overhaul package, H.R. 1 (116), out of committee.

The measure, approved 6-3 along party lines by the House Administration Committee, would require all states to have online voter registration and individual voter-verified paper ballots, and would set up an election security bug bounty program, among other things. The House is expected to pass it by March 8.

WHAT'S IN THE BILL?

This section reflects the text of the bill as released by the House Rules Committee in preparation for floor consideration. This text is expected to be considered and amended on the House floor during the week of March 4. For a summary of bill provisions prior to the committee markup, please see the Pro Bill Analysis as of Feb. 10.

Election Access (Division A)

Election Access (Title I): This title, large chunks of which were taken from the Voter Empowerment Act, H.R. 12 (115) and later H.R. 1275 (116), sponsored by civil rights icon John Lewis (D-Ga.), would seek to increase the access of all eligible citizens to the voting process by including provisions that would:

— Require all states to have online voter registration, as well as require state election officials to establish and operate automatic voter registration programs for any eligible unregistered citizen unless the individual affirmatively declines to be registered, along the lines of H.R. 2876 (115);

— Require states to provide for same-day registration for federal elections, identical to H.R. 93 (116);

— Limit state authority to remove registrants from the official list of eligible voters in federal elections on the basis of interstate voter registration cross-checks, incorporating language from H.R. 3091 (115);

— Block individuals other than state or local election officials from challenging an

individual’s eligibility to vote in a federal election on or near election day (this language was added prior to floor consideration);

— Affirm the right of any U.S. citizen to vote in federal elections despite conviction for a criminal offense unless the individual is serving a felony sentence in a correctional institution at the time of the election, incorporating language from H.R. 6612 (115);

— Require states to use individual, voter-verified paper ballots, incorporating language from H.R. 378 (116) and an earlier version, H.R. 4276 (115);

— Require the counting of provisional ballots from eligible voters who voted at the incorrect precinct or polling place;

— Require states to allow at least 15 consecutive days of early voting for federal elections;

— Block states from restricting a voter's ability to vote by mail;

— Allow individuals to file complaints with the attorney general and file private rights of action;

— Require a state or local government administering a federal election to prepay the postage on ballots to be cast by mail (this language was added prior to floor consideration);

— Direct the National Institute of Standards, with the Election Assistance Commission, to develop standards for the use of biometric methods that could be used voluntarily in place of signature verification requirements for absentee ballots (this language was added prior to floor consideration);

— Clarify that states would be responsible for the costs of express delivery, if needed, to transmit a validly requested absentee ballot (this language was added prior to floor consideration);

— Block state election officials from participating in federal campaigns and or using official authorities to affect election results (Sec. 1821);

— Require states to notify voters of polling place changes at least seven days prior to an election;

— Establish Election Day as a legal public holiday on the Tuesday after the first Monday in November beginning in 2020 and each even-numbered year thereafter, incorporating language from H.R. 294 (116) and an earlier version, H.R. 6880 (115);

— Allow voters to use sworn written statements to meet identification requirements for voting and block states from requiring voters using sworn statements to cast provisional ballots rather than regular ballots; and

— Reauthorize the EAC and require states to participate in EAC post-general election surveys. This part of the bill, some of which came from H.R. 794 (115), would also require a report by the National Institute of Standards and Technology on the use of EAC funds (Sec. 1913).

The new text does not include language (previously Section 1801) that would allow leave for federal employees to serve as poll workers.

Election Integrity (Title II): The bill would prohibit states that have redistricted their congressional districts after a decennial census from redistricting again until after the next reapportionment, unless a court requires a subsequent redistricting. Similar language exists in H.R. 44 (116), H.R. 124 (116) and H.R. 130 (116).

The legislation would require states to create independent redistricting commissions to redraw congressional districts, an attempt to end partisan gerrymandering. This provision includes language from H.R. 1102 (115).

The text was revised before reaching the floor in an attempt to bolster the independence and fairness of map-drawing processes and the membership of independent redistricting commissions, among other things.

The measure would seek to prevent voter roll purges by preventing states from using failure to vote as grounds for removing a voter from the list of eligible voters in a federal election. This provision includes language from H.R. 6122 (115).

The revised text adds a new Subtitle G to this title that would clarify that nothing in the title may be construed to block states from enacting laws that provide greater opportunities for individuals to vote.

Election Security (Title III): This title includes language from H.R. 5011 (115).

It would authorize funds for the EAC to distribute grants to states for improving election and paper ballot systems, post-election risk-limiting audits and election infrastructure innovation and would establish security standards for election infrastructure vendors.

The title would require DHS to conduct security risk and vulnerability assessments and would require the president to develop an election security strategy within one year. It would establish a commission within the legislative branch to counter threats to U.S. democratic institutions, and would require testing of voting systems nine months before federal general elections.

It would direct DHS to establish the Election Security Bug Bounty Program within one year to encourage independent assessments of election systems by technical experts. This provision includes language from H.R. 6188 (115).

Campaign Finance (Division B)

Campaign Finance Transparency (Title IV): This title adds language from H.R. 6239 (115), including provisions that would prohibit contributions from corporations with significant foreign ownership, influence or control. It would require corporations, labor organizations, social welfare organizations, super PACs and other groups that make campaign-related disbursements aggregating more than $10,000 in an election reporting cycle to disclose donors who contribute more than $10,000.

It includes language from H.R. 4077 (115) and identical Senate companion S. 1989 (115) that would expand the definition of public communication to include paid internet and paid digital communication, and it would alter the definition of electioneering communication to include paid internet and digital advertisements. That would include not only ads, but also paid content such as sponsored posts. It would define the term "online platform" as any public-facing

website, web application or digital application (including a social network, ad network or search engine).

Under the bill, major platforms like Facebook and Google — and any site with 50 million or more U.S. monthly unique visitors — would be required to attach “clear and conspicuous” disclosures like the "Paid for by Candidate Smith" statements that appear on ads in other mediums.

This subtitle would also require those online platforms to maintain a public file of all electioneering communications purchased by a person or group that spends more than $500 per year on ads. The file would contain a digital copy of the advertisement, a description of the audience the advertisement targets, the number of views generated, the dates and times of publication, the rates charged and the contact information of the purchaser. It would require platforms to retain the digital files for at least four years.

It would require all outlets to "make reasonable efforts" to ensure that any electioneering communication is not paid for by "a foreign national, directly or indirectly" and would expand disclaimer requirements for political ads not authorized by candidates.

This title would repeal several existing prohibitions, including:

— a prohibition on the IRS promulgating rules to clarify requirements governing 501(c) political activity;

— a prohibition on the SEC finalizing rules to allow shareholders to know the political spending of publicly traded companies; and

— a prohibition on presidential administrations promulgating rules to require government contractors to disclose all of their political spending.

It would also limit donations to presidential inaugural committees and require committees to disclose expenditures. This provision includes language from H.R. 210 (116), H.R. 5008 (115) and H.R. 7399 (115).

Campaign Finance Empowerment (Title V): The bill would establish a six-to-one matching program for small dollar contributions (up to $200) for House candidates and would set forth eligibility, certification and expenditure requirements for candidates. It would also revise the public financing of presidential elections to establish a six-for-one matching program for the first $200 of a contribution to a presidential candidate. These public financing provisions are based on H.R. 20 (115) and H.R. 3954 (115), respectively.

The title would allow personal use services — child care, elder care, professional development and health insurance coverage payments — to count as authorized campaign expenditures.

Campaign Finance Oversight (Title VI): The legislation would restructure the Federal Election Commission to reduce the number of members from eight to five and permit no more than two members to be affiliated with the same political party. This provision includes language from H.R. 2034 (115). The title would also permanently extend the FEC’s administrative penalty authority. President Donald Trump in December signed into law a measure, H.R. 7120 (115), that extended the authority through 2023.

The title also includes language from H.R. 3952 (115) that would amend the Federal Election

Campaign Act of 1971 to treat coordinated expenditures by super PACs as contributions to candidates.

Ethics (Division C)

Ethical Standards (Title VII): The bill would require the Judicial Conference to issue a code of conduct for all federal judges within one year of the measure's enactment. The provision builds on language from H.R. 1960 (115), which would require a code of ethics for Supreme Court justices.

The title would establish a new investigation and enforcement unit in the Justice Department under the Foreign Agents Registration Act and would grant authority to impose civil penalties for failure to file timely or complete registration statements.

It would seek to close loopholes for lobbyists and foreign agents by clarifying that counseling in support of lobbying contacts is considered lobbying under the Lobbying Disclosure Act and thus requires registration. The provision was included in H.R. 6533 (115) last Congress and was introduced as a stand-alone measure, H.R. 783 (116), this year.

The title would also require a presidential appointee to recuse him or herself from matters in which the president, the president's spouse or an entity in which the president or president's spouse has a substantial interest is a party to that matter. Identical language was included in H.R. 371 (115).

The revised text adds Section 7104, which would require registration statements filed under FARA to be in digitized format, and would revise Section 7201 to define which counseling services constitute "lobbying activities" and "lobbying contracts."

Ethics Reforms for the President, Vice President and Federal Officers and Employees (Title VIII): The bill would prohibit companies from providing financial incentives to individuals accepting federal government positions. House Oversight and Reform Chairman Elijah Cummings (D-Md.) has introduced a stand-alone bill, H.R. 599 (116), and he offered related language, H.R. 859 (115), during the last Congress. The title would also tighten rules on government employees being involved in matters concerning their former private employers for the first two years after joining the government, as well as expand to two years restrictions on lobbying their former agency after leaving government.

Among the changes made prior to floor consideration, the language would seek to clarify the "revolving door restrictions" and process for obtaining waivers.

It would replace "sense of Congress" language on divestiture with provisions to require the president and vice president, within 30 days of assuming office, to divest financial interests that pose a conflict of interest by converting each interest to cash or placing them in a qualified blind trust. It would allow the president or vice president to disclose information regarding their business holdings in order to avoid this requirement.

The legislation includes language from H.R. 2493 (115) that would require that the president and vice president file new financial disclosure reports within 30 days of taking office. It would require that executive branch ethics waivers be disclosed publicly, incorporating language from H.R. 391 (116). The new text removes "full-time" from the definition of a covered employee to ensure that all senior executive branch personnel, including part-time

employees, are subject to its ethics provisions.

The bill would reauthorize the Office of Government Ethics through fiscal 2023 and bolster its enforcement mechanisms, taking language from H.R. 5902 (115) and H.R. 745 (116). House leaders said revisions to the text would bolster the independence of the OGE and ensure its authority to issue regulations, require trainings and publish disclosures, as well as provide overall guidance on executive branch ethics policies.

The measure includes language introduced as H.R. 4826 (115) by Cummings in the last Congress, and reintroduced as H.R. 964 (116) in January, that would require presidents-elect to develop ethics policies for members of their transition teams. The revised floor text tweaks this subtitle to require disclosures from not only the president-elect, but also from other presidential candidates prior to the election.

H.R. 1 would also require senior executive branch political appointees to sign an ethics pledge, incorporating language from H.R. 209 (116) and H.R. 6732 (115).

Congressional Ethics Reform (Title IX): The measure would require members of Congress to reimburse the Treasury for any taxpayer funds used to settle any case of employment discrimination. It would also prohibit House members from serving on corporate boards of for-profit companies.

The bill would require additional disclosures on certain FEC reports by registered lobbyists and would require the Government Publishing Office to establish an online public portal for congressionally mandated reports within one year, incorporating some language from H.R. 736 (116) and H.R. 4631 (115).

Presidential and Vice Presidential Tax Transparency (Title X): This title would require sitting presidents and vice presidents, as well as major party nominees for those offices, to release 10 years' worth of individual income tax returns. Similar language was included in numerous bills last Congress and the provision was introduced as a stand-alone measure, H.R. 273 (116), this year.

WHAT ARE MEMBERS SAYING ABOUT THE BILL?

Republicans express disapproval: House Republicans on Feb. 13 took swings at the Democrats' election security proposals. Homeland Security ranking member Mike Rogers (R-Ala.) painted the bill, which would authorize more than $1 billion in election security funding to state and local governments, as too expensive and impractical.

"Is it feasible to take that money and buy equipment and implement it in time for primaries?" Rogers asked Election Assistance Commission Chairman Thomas Hicks, a panelist at a Feb. 13 House Homeland hearing.

"I believe states can do most of that," Hicks said, although he cautioned that they "can't go to Best Buy and get it off the shelf," meaning it won't be an overnight process.

House Administration markup: “H.R. 1 makes it easier, not harder, to vote,” Zoe Lofgren (D-Calif.), the House Administration chairwoman, said after convening the markup. “It ends the dominance of big money in our politics. It ensures public officials work in the public interest.”

Committee Republicans lambasted the package as a violation of basic free speech rights and an overreach of the Constitution. The bill “is a prime example of the Democratic Party telling states that the federal government knows better than they do, and the Washington, D.C., swamp is taking over the country’s election system,” said Rep. Rodney Davis, the top Republican on the nine-person panel.

During the markup, Davis and other Republicans bemoaned the speed with which the bill was headed to the floor, saying Republicans have not had a chance to work on the bill and that state election officials were not adequately consulted.

“This bill is being rushed to the floor of the House for political reasons instead of good policy,” Davis said. “I’m for open processes. You know what? This is an epiphany. All of you who said we didn’t have enough hearings on the tax bill or the health care bill? You were right. You were right! Why are you doing the same thing to us, when you take control?”

Lofgren said in a statement after the markup that with passage, "House Democrats are delivering on our promise to bring accountability and transparency to Washington D.C."

WHAT'S HAPPENED SO FAR?

For information on what happened prior to the markup, please see the Pro Bill Analysis as of Feb. 10.

The House Administration Committee on Feb. 26 approved the bill, as amended, by a 6-3 vote.

Before approval the panel adopted 6-3 a 447-page substitute amendment by Lofgren to strike provisions from the original bill that her committee does not have jurisdiction over, as well as make technical changes, according to committee staff. The substitute amendment cut more than 100 pages from the original language, although most of those provisions were added back after the markup.

The committee's three Republicans offered 37 amendments to the bill, many of which would strike language on new voter registration and voting practices. A GOP committee spokesperson said, however, that Republican members support increasing access to polls and registration, but through practices that support states’ unique needs, as opposed to a “one-size-fits-all” approach.

The panel rejected 30 amendments in party-line votes, including one from Davis that would require every state to implement online voter registration to federal standards, and another from Davis that would require every state to adopt 15 days of early voting. Three of the 30 amendments were rolled into one roll call vote, and seven other amendments were either withdrawn or skipped.

Among the other rejected proposals was an amendment from Davis that would strike a provision to require the use of paper ballots in federal elections and a proposal from Davis that would require certain standards for paper ballots.

The five-hour, largely cordial markup devolved into tense debate at one point over an amendment from Mark Walker (R-N.C.) that would add a subtitle prohibiting the practice of ballot harvesting — where third-party groups collect absentee ballots and turn them in. Davis

cited the recent election fraud case in North Carolina as a reason to support the language, but the panel rejected the proposal in a 2-6 vote.

New text released: The Rules panel released a new version of the text following the markup on Feb. 26, adding back most of the language that had been cut during the markup for jurisdictional reasons.

How much is it going to cost? The top Republicans on the House Budget and Administration committees wrote a letter to CBO on Feb. 21 requesting a cost estimate on the bill. CBO estimated on March 1 that if the bill was enacted in 2019 and the requested appropriations were provided each year, the legislation would authorize about $2.6 billion over six years, with the vast majority of that money — $1.5 billion — going to states to improve voting technology and reduce cybersecurity vulnerabilities in election infrastructure.

CBO also determined that the bill's requirement for states to report on their voting systems would only impose a small — and thus permissible under law — cost on local election officials. The cost to implement the bill's election infrastructure bug bounty program would be $55 million over the six-year period, CBO said.

CBO found that permanently reauthorizing the EAC would cost $50 million over a five-year period. The rest of the bill's election security provisions — including voting system testing, security clearances for election officials and creating a commission on defending democracy — would cost $13 million.

WHAT'S NEXT?

The House Rules Committee will meet at 5 p.m. on March 5 to prep the measure for floor consideration. Shortly before the markup was set to begin, there were 182 amendments submitted to the panel that each amendment's sponsor hopes the Rules Committee will allow the House to vote on. The legislation is expected to hit the House floor as soon as March 6 and pass by the end of the week.

What happens when it reaches the Senate? It will likely die. Senate Majority Leader Mitch McConnell, who has panned the bill as a power grab, labeled it the Democratic Politician Protection Act and called its provisions "bizarre," reiterated on March 4 that he does not plan to bring it to the floor.

There is no current Senate companion bill, but supporters are working on it, according to End Citizens United Executive Director Tiffany Muller, whose organization has been strongly pushing the legislation. She told reporters on Feb. 26 that she expected several potential 2020 presidential contenders in the Senate to sign on as co-sponsors.

Democrats plan to hammer Republicans over the bill's presumed failure. Many freshmen House Democrats ran on government reform in the midterms and expect the issue to be salient on the campaign trail in 2020.

"H.R. 1 is not going to be a flash in the pan," freshman Max Rose (D-N.Y.) said on Feb. 26. "We're going to constantly, constantly put before them the question of, 'Whose side are you on?'"

"I think there is a sentiment in this town right now that, 'We just got to get past this H.R. 1 s---

, and then we can go back to normal order,’" Rose added. "No, there’s no going back. You’re not going to be escaping this because that’s our responsibility to the American people.”

WHAT ARE SOME POLITICO STORIES ON THE BILL?

Click here for POLITICO news on H.R. 1.

Zach Montellaro and Tim Starks contributed to this report.

Olivia George | Account Management Associate | **POLITICO**PRO
1000 Wilson Boulevard, 8th Floor | Arlington, VA 22209
Office: (b) (6) | Mobile: (b) (6)
Email: (b) (6) | PoliticoPRO Website

From: Kimberly L. Sikora Panza
To: Patrick J. Lightfoot
Subject: RE: um
Date: Monday June 8 2020 8:28:19 AM
Attachments: PUBLIC CORRUPTION.pdf
image001.png

Attachment is American Criminal Law Review article, 57 Am. Crim. L. Rev. 1143

Attached

(was all quiet Friday btw)

From: Patrick J. Lightfoot
Sent: Monday June 8 2020 8:27 AM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Subject: RE: um

1000% where is that from!?

From: Kimberly L. Sikora Panza
Sent: Friday June 5 2020 10:05 AM
To: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: um

Am I wrong that I think this is a WILDLY incorrect statement?

A. *Unauthorized Compensation*

18 U.S.C. § 203 criminalizes the use of public office for private gain.[161] The defendant may be either the public official receiving unauthorized compensation or the individual attempting to influence a public official.[162]

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW Suite 500
Washington DC 20005
202.482.9214

From: Rachel K. McRae
To: Seth Jaffe
Subject: FW: Gift Reporting Waiver Requests
Date: Friday, June 12, 2020 7:12:34 AM
Attachments: WHO Gift Reporting Waiver Request and Enclosure.pdf
OVP Gift Reporting Waiver Request and Enclosure.pdf

Seth,

Attached are two gift reporting waiver requests (same gift to two recently married filers). Please let me know the process for internal review.

Thanks,
Rachel

--
Rachel Dowell McRae
Associate Counsel & FOIA Officer
Office of Government Ethics
General Counsel & Legal Policy Division
Ethics Law and Policy Branch
(202) 482-9267

Visit OGE's website: www.oge.gov
Follow OGE on Twitter: @OfficeGovEthics

From: Jones, David M. EOP/WHO [mailto (b) (6)]
Sent: Thursday, June 11, 2020 7:42 PM
To: Rachel K. McRae <rkmcrae@oge.gov>
Subject: Gift Reporting Waiver Requests

Rachel,

Please find attached the gift reporting waiver requests for Stephen Miller, White House Office public filer, and Katie Miller, Office of the Vice President public filer.

If there is anything else I can provide, please let me know.

Very Respectfully,

David Jones
Senior Associate Counsel to the President
White House Counsel's Office
O: (b) (6)

From: David Taube
To: Seth Jaffe; David J. Apol
Cc: Christie Chung
Subject: Social Media LA -- complete first draft
Date: Friday, June 12, 2020 5:59:25 PM
Attachments: LegalAdvisory-SOCMED v01.15djt~20F.DOCX

Seth and Dave,

Attached is a first draft of the legal advisory on official social media.

I'm sending this draft because it is overdue under the schedule we have established for this LA. (That is entirely my fault, not Christie's.) At the same time, Christie and I intend to keep working on it, to polish the existing content and maybe add some small points that we didn't capture in this draft. We'll send an improved version as soon as we have it. In the meantime, we welcome any feedback.

-David

From: David Taube
Sent: Friday, May 15, 2020 13:21
To: Seth Jaffe <sjaffe@oge.gov>; David J. Apol <djapol@oge.gov>
Cc: Christie Chung <cchung@oge.gov>; David Taube <dtaube@oge.gov>
Subject: Social Media LA -- very very preliminary draft

Dave and Seth,

When we had our last meeting to discuss the Social Media legal advisory, you asked us to send whatever we had as of May 15. Since then, Christie and I have each worked on a small piece of the advisory. This very early, partial draft is attached. It's very RUFF .

Please let us know if you have any feedback. Meanwhile, we'll keep writing.

-David

From:	Emory A. Rounds III
To:	Director of OGE
Subject:	FW: Hatch Act and OGE complaint against Attorney General Barr
Date:	Monday, June 15, 2020 9:31:54 AM
Attachments:	Barr Hatch Act complaint.pdf

FOR RECORD PURPOSES

From: Richard Painter [mailto (b) (6)]
Sent: Monday, June 15, 2020 9:25 AM
To: Emory A. Rounds III <earounds@oge.gov>
Subject: Fwd: Hatch Act and OGE complaint against Attorney General Barr

Dear Emory:

I attach a letter to you and to the Special Counsel setting forth a complaint against the Attorney General and other Adminisration officials for violating the Hatch Act and OGE ethics rules prohibiting use of public office for private gain. I reference two incidents: 1) the June 1, 2020 political photo opportunity in front of St. John's Church, and 2) the Ukraine matter that was the subject of the impeachment of the President.

best regards,

Richard Painter

From: Seth Jaffe
To: Sara Nekou
Subject: RE: FOIA Records Search Request - OGE FOIA FY 20/049
Date: Tuesday, June 16, 2020 2:25:41 PM

Hi Sara,

I have searched my email accounts, desktop, "HOME" drives, paper records in my personal office space, and anywhere else I keep such records for any records responsive to this request and I have not located any responsive documents.

Thanks,
Seth

From: Sara Nekou
Sent: Tuesday, June 16, 2020 1:36 PM
To: David J. Apol <djapol@oge.gov>; Deborah J. Bortot <djbortot@oge.gov>; Emory A. Rounds III <earounds@oge.gov>; Seth Jaffe <sjaffe@oge.gov>; Shelley K. Finlayson <skfinlay@oge.gov>
Subject: FOIA Records Search Request - OGE FOIA FY 20/049

Good afternoon,

OGE received a FOIA request for the following records:

A) All email communications sent to, copied to, or received by OGE Director Emory Rounds, Chief of Staff Shelley Finlayson, General Counsel David Apol, Chief of the Ethics Law and Policy Branch Seth Jaffe, and Chief of the Presidential Nominations Branch Deborah Bortot from May 5, 2020 to the present regarding:
1) the Agency Transition Directors Council meeting hosted by the Office of Management and Budget and the General Services Administration on or around May 27, 2020.
2) the impact of COVID-19 or the coronavirus on the presidential transition process.
3) future Agency Transition Directors Council meetings.

B) Any and all agendas, meeting notes, summaries, or attendance lists prepared for or distributed at the Agency Transition Directors Council meeting hosted by the Office of Management and Budget and the General Services Administration on or around May 27, 2020.

C) All email communications between and among OGE Director Emory Rounds, Chief of Staff Shelley Finlayson, General Counsel David Apol, Chief of the Ethics Law and Policy Branch Seth Jaffe, and Chief of the Presidential Nominations Branch Deborah Bortot and any representative of the presidential campaigns of Donald J. Trump or Joseph R. Biden from March 1, 2020 to the present.

Please search your email account, desktop, "HOME" drives, paper records in your personal office space, and anywhere else you personally keep such records for any records responsive to this request and provide any responsive records by **COB June 29, 2020**. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to me as part of this search response. If you are aware that anyone else not copied on this email may have responsive records, please let me know.

In your response to this search request, **please provide a brief summary of the locations you searched and the search terms you used.** If you do not have any responsive records, please note that in your response.

Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) [redacted] (cell)
Snekou@oge.gov

From:	Kimberly L. Sikora Panza
To:	Margaret E. Yukins
Subject:	RE: William Levi CD
Date:	Monday, June 22, 2020 5:29:54 PM
Attachments:	William Levi CD .pdf Morning Digest.pdf

So the Morning Digest opened up just fine for me – I saved that as a PDF, as well as Joseph's email (See attached)

_____

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Kimberly L. Sikora Panza
Sent: Monday, June 22, 2020 5:10 PM
To: Margaret E. Yukins
Subject: RE: William Levi CD

Hey Margaret,

I will take a look at this tomorrow – still digging out from being OOO last week!

Kim

_____

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Margaret E. Yukins
Sent: Monday, June 22, 2020 5:09 PM
To: Kimberly L. Sikora Panza <klspanza@oge.gov>
Subject: FW: William Levi CD

Hi Kim, couple of things:

(1) I've saved all relevant files and emails for the William Levi CD process to the FDTS file. I've also updated the notes to incorporate all of the information Joseph has provided us over the past few months.

(2) For whatever reason, my computer cannot convert the below email into a PDF, so I have not been able to save it into the FDTS file. Could you try?

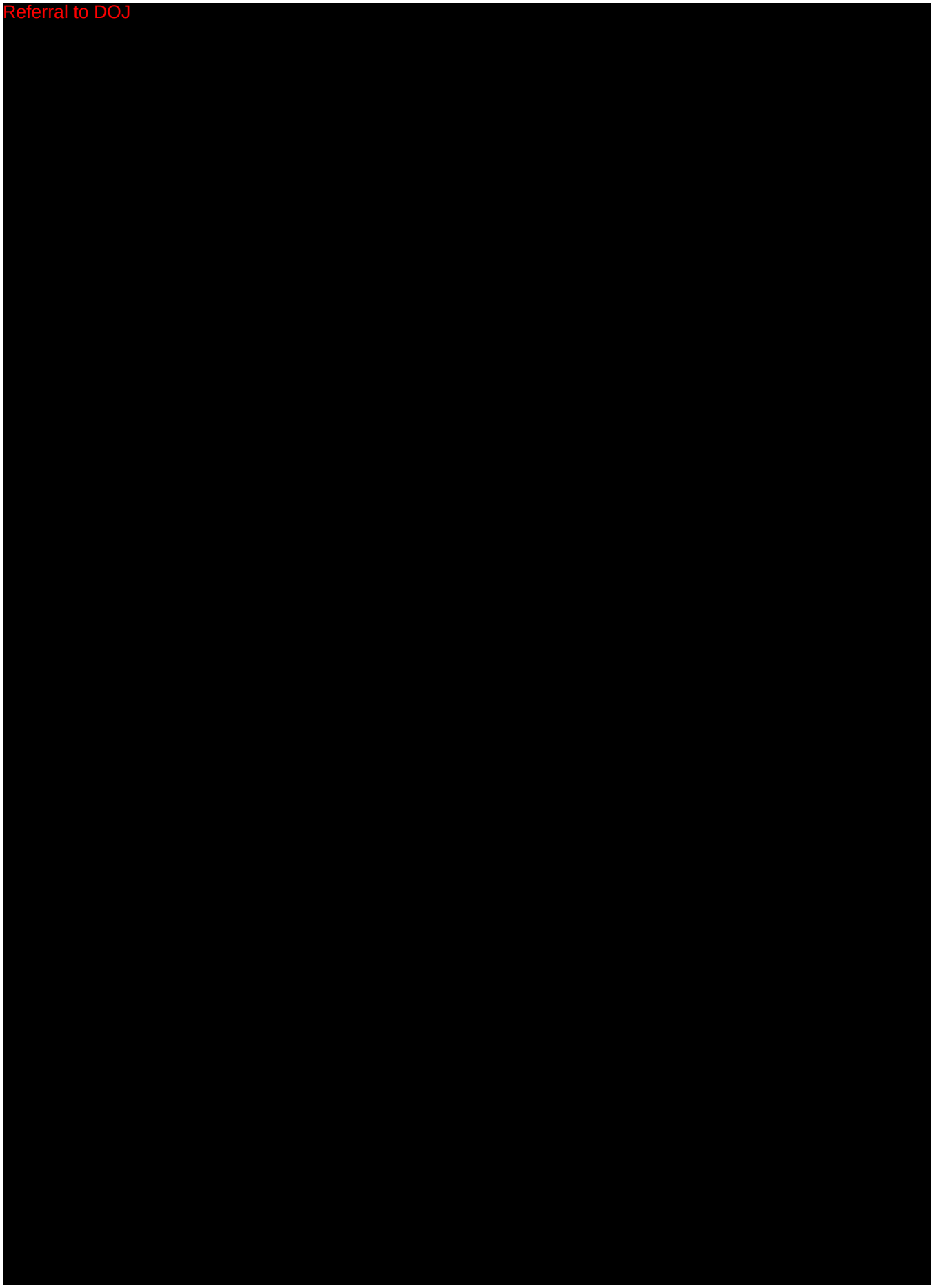
(3) I also sent Joseph an email about being unable to open the Morning Digest attachment. If you're able to open it, could you send it to me?

Overall, I think we are ready to route this forward. I still need to update my proper CD notes, but I'm fairly confident that we're good to go.

Thanks so much,

Margaret

Referral to DOJ



Referral to DOJ

[redacted]

From: Margaret E. Yukins <meyukins@oge.gov>
Sent: Tuesday, June 9, 2020 4:20 PM
To: Tirrell, Joseph W. (JMD) <(b) (6) [redacted]>
Cc: Kimberly L. Sikora Panza <klspanza@oge.gov>; Shaw, Cynthia K. (JMD) <(b) (6) [redacted]>
Subject: RE: William Levi CD Update - [Message contains CUI] - [Message contains CUI] - [Message contains CUI]

CONTROLLED

Hi Joseph,

Thanks again for your quick response. (b) (5) [redacted]

(b) (5) [redacted]

I hope this is helpful. Again, please do not hesitate to reach out should you have any questions or concerns. We are looking forward to issuing this CD soon!

Best regards,

Margaret

Margaret Dylus-Yukins
Assistant Counsel
Ethics Law & Policy Branch
International Assistance & Outreach Program

U.S. Office of Government Ethics
(202) 482-9222 phone
(202) 482-9238 fax
meyukins@oge.gov

Referral to DOJ

[redacted]

From: Margaret E. Yukins mailto:meyukins@oge.gov> >
Sent: Tuesday, June 9, 2020 2:28 PM
To: Tirrell, Joseph W. (JMD) mailto:j(b) (6) > >
Cc: Kimberly L. Sikora Panza mailto:klspanza@oge.gov> >
Subject: William Levi CD Update - [Message contains CUI] - [Message contains CUI]

CONTROLLED

Hi Joseph, we hope you're doing well. Just following up on the below CD request for William Levi. (b) (6)

Best regards,
Margaret

Margaret Dylus-Yukins
Assistant Counsel
Ethics Law & Policy Branch
International Assistance & Outreach Program
U.S. Office of Government Ethics
(202) 482-9222 phone
(202) 482-9238 fax
meyukins@oge.gov <mailto:meyukins@oge.gov>

From: Margaret E. Yukins
Sent: Wednesday, May 13, 2020 2:14 PM
To: 'Tirrell, Joseph W. (JMD)' mailto:(b) (6) > >
Cc: Kimberly L. Sikora Panza mailto:klspanza@oge.gov> >
Subject: William Levi CD Update - [Message contains CUI]

CONTROLLED

Thanks Joseph! We'll wait for further notice from you regarding the CD request.
Take care,
Margaret

Referral to DOJ

[redacted]

Referral to DOJ

Referral to DOJ

_____

From: Sara Nekou
To: Seth Jaffe
Subject: OGE FOIA FY 19/053 consultation request - [Message and attachment(s) contain CUI]
Date: Wednesday, June 24, 2020 9:25:51 AM
Attachments: OGE FOIA FY 19-053 responsive records (unredacted).pdf
Freedom of Information Request.msg

Good morning Seth,

I hope all is well. I need your help with this FOIA request, and I was wondering if you could please provide me with your opinion regarding some of the pages of this document (please see attached). (b) (5) [redacted] I have also attached the FOIA request for your reference. I look forward to hearing back from you and thank you for assisting me with this matter.

CONTROLLED
Email and attachment(s) contain CUI.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) [redacted] (cell)
Snekou@oge.gov <mailto:Snekou@oge.gov>

From: Seth Jaffe
To: David J. Apol
Cc: Maura Leary
Subject: RE: Draft Email - [Message contains CUI]
Date: Wednesday, June 24, 2020 3:56:21 PM

CONTROLLED
Dave,

This looks good to me. (b) (5) [redacted]

Also, please note the very end of this email includes Maura's signature block and it should not be included in the final email that is transmitted.

Thanks,
Seth

From: Maura Leary
Sent: Wednesday, June 24, 2020 3:43 PM
To: David J. Apol <djapol@oge.gov>
Cc: Seth Jaffe <sjaffe@oge.gov>
Subject: Draft Email - [Message contains CUI]

CONTROLLED

Dave,

Below please find the draft proposed email we discussed earlier today.

Thank you,
Maura

(b)(5) - deliberative draft - final version released with redactions below at pp 59-60

[redacted]

(b)(5) - deliberative draft - final version released with redactions below at pp 59-60

(b)(5) - deliberative draft - final version released with redactions below at pp 59-60

[redacted]

Maura K. Leary
Assistant Counsel
U.S. Office of Government Ethics
Telephone: 202-482-9231
mleary@oge.gov

From: David J. Apol
To: Seth Jaffe; Maura Leary
Subject: FW: Draft Email - [Message contains CUI]
Date: Wednesday, June 24, 2020 4:58:59 PM

FYI

From: David J. Apol
Sent: Wednesday, June 24, 2020 4:56 PM
To: Gast, Scott F. EOP/WHO <(b) (6) >
Subject: FW: Draft Email - [Message contains CUI]

Scott,

Thank you very much for the analysis you provided last week.

We have a few additional questions, which are listed below.

(b)(5) - deliberative and pre-decisional

[redacted]

For reference, here are links to various news articles reporting on Mr. Giuliani's statements that he provided pro bono legal services to the President:

- "A Great Big Gift Not on Trump's Disclosure Form: Giuliani's Legal Advice," New York Times, Dec. 13, 2019, available at https://www.nytimes.com/2019/12/13/us/politics/giuliani-trump-financial-disclosure.html
- Luppe B. Luppen and Hunter Walker, 'The Wild West': Questions surround Trump legal team payments, Yahoo News, Oct. 29, 2019 ("In an interview earlier this month with Yahoo News, Giuliani responded with an unequivocal 'Yes, sir' when asked if he is representing Trump pro bono, including covering expenses."), available at https://yhoo.it/36qiwJm
- Lachlan Markay, Dems Want to Know: Who Paid Rudy, Daily Beast, Oct. 10, 2019 ("In an interview with The Daily Beast this week, Giuliani steadfastly denied that he was paid for any work he did in Ukraine, saying that he helped Trump on a 'pro bono' basis."), available at https://bit.ly/2r6CVTL
- Priscilla DeGregory, Rudy Giuliani allegedly losing money while working for Trump, New York Post, July 25, 2019 (Quoting Giuliani asserting: "I had decided to advise President Trump for free because I was outraged at how he was being very unfairly treated."), available at https://bit.ly/325GXZf
- John Chandler and Dareh Gregorian, Trump lawyer Rudy Giuliani, in divorce court, is accused

of spending $12K on cigars, NBC News, Nov. 7, 2018 ("[Justice] Katz asked Giuliani why he would represent Trump for nothing, given that the president's other lawyers in the Russia probe are getting paid. Giuliani's lawyer, Faith Miller, said he was doing so because of 'a 30-year relationship with Mr. Trump.'"), available at https://nbcnews.to/2oOGMUn

- Sarah Maslin Nir, Giuliani Divorce: It's Ugly, It's Operatic. What Did You Expect?, New York Times, Sept. 13, 2019, available at https://nyti.ms/36oVv9I (While in private practice, Mr. Giuliani was highly paid for his legal services. According to Mrs. Giuliani's attorneys, Mr. Giuliani reportedly earned $7.9 million in 2016 and $9.5 million in 2017. In 2018, the year in which he began to work for President Trump, Mr. Giuliani's "earnings dipped to $6.8 million.)
- Robert Costa and John Wagner, Giuliani parts ways with law firm, citing "pressing demands" of client Trump." (May 10, 2018, available at https://www.washingtonpost.com/politics/giuliani-parts-ways-with-law-firm-citing-pressing-demands-of-client-trump/2018/05/10/72f60972-5473-11e8-9c91-7dab596e8252_story.html) ("This is a full-time job working for the president, and we've got to figure this out and get this over with," Giuliani said. "That's why the timing is right.")

Finally, I wanted to share with you (b)(5) - deliberative and pre-decisional [redacted]

From: David Taube
To: David J. Apol; Seth Jaffe
Subject: FW: Letter from Campaign Legal Center to USTR
Date: Thursday, June 25, 2020 8:43:26 PM
Attachments: CLC Letter to USTR General Counsel and DAEO_June 25 2020.pdf

---

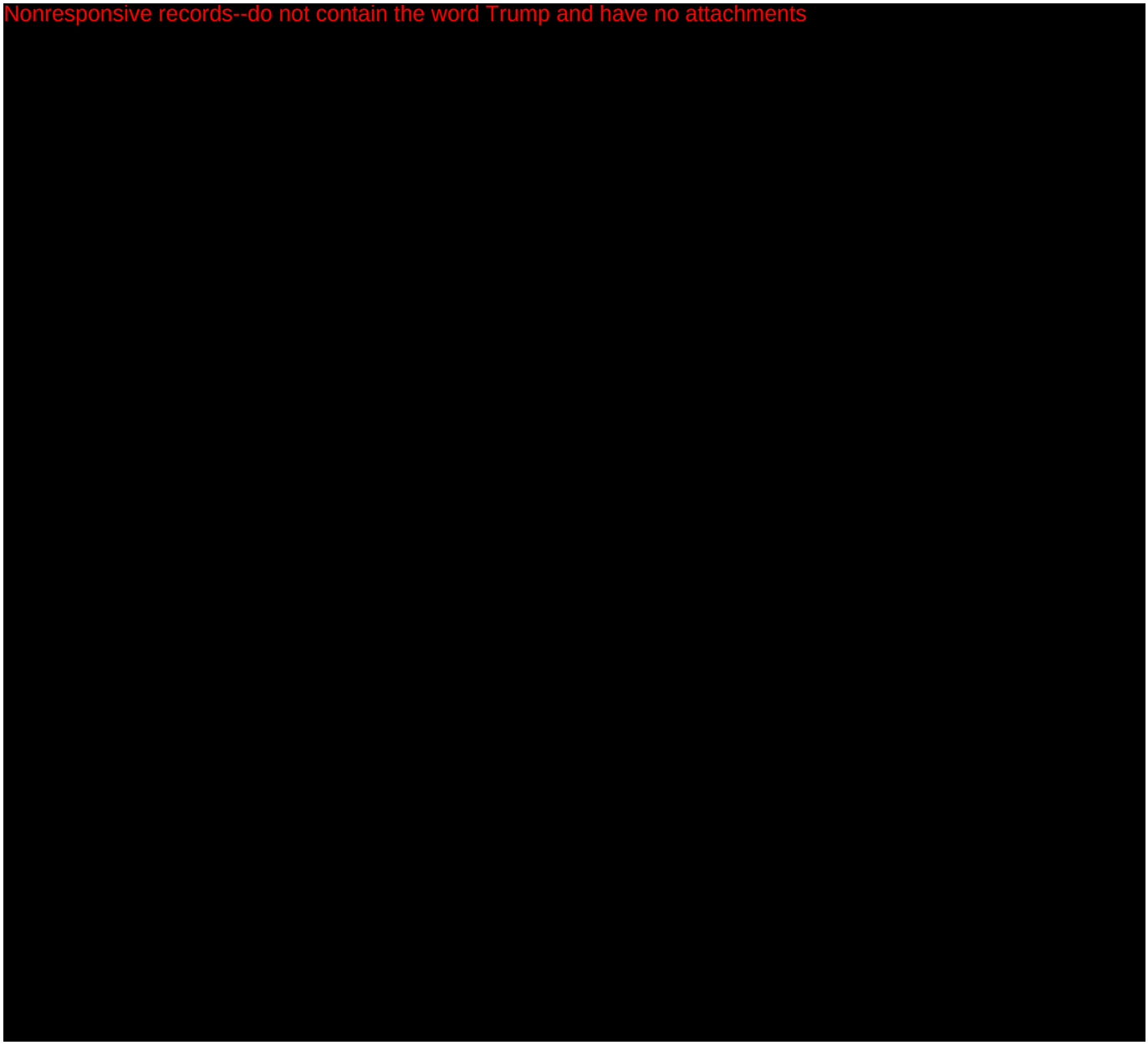
Seth and Dave,

The Campaign Legal Center has filed a complaint with USTR, asking them to investigate two employees for possible Standards of Conduct violations. I'm going to discuss this with Janice tomorrow (Friday).

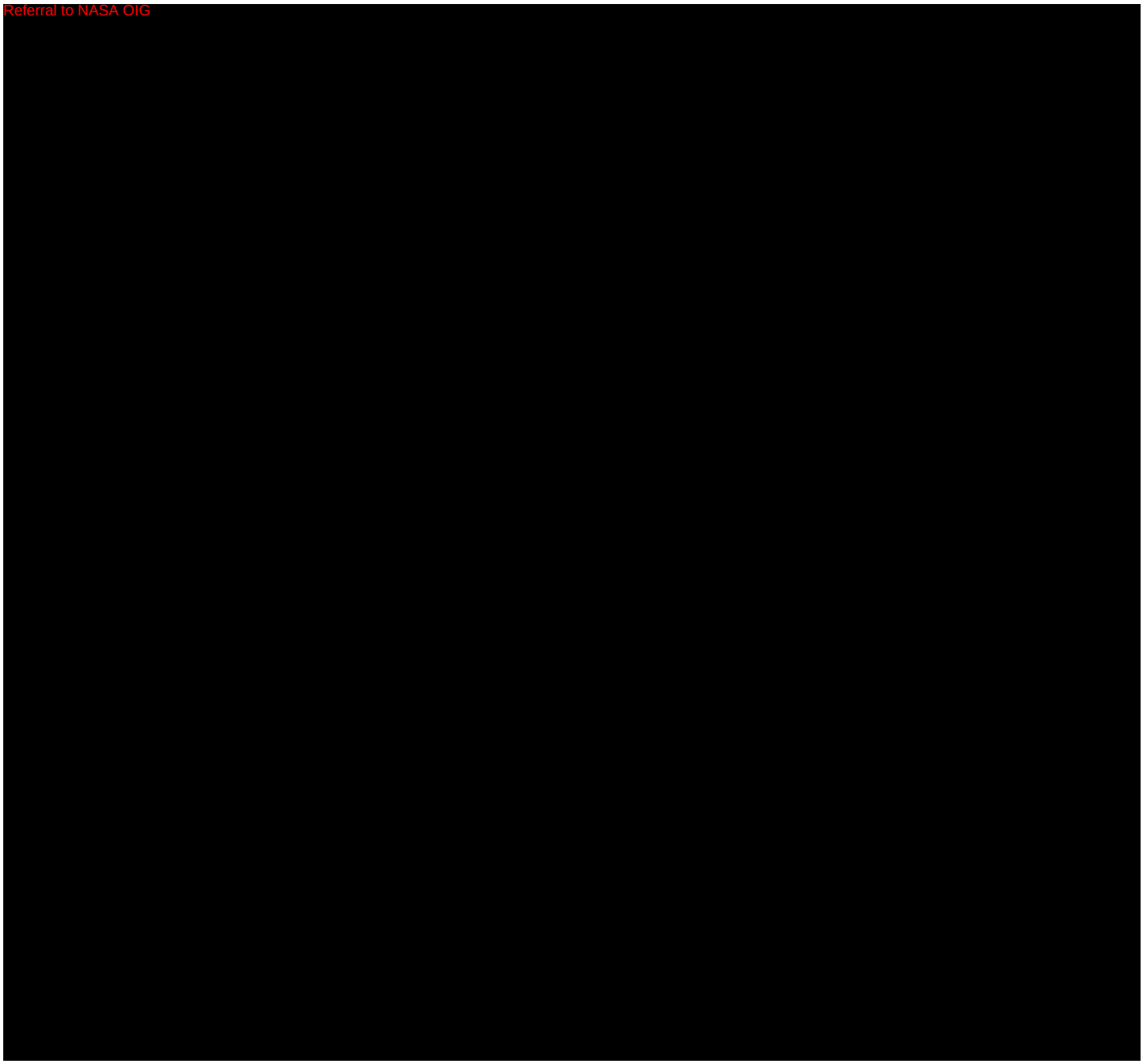
I'm making you aware of this because I don't know how common complaints like this are.

-David

Nonresponsive records--do not contain the word Trump and have no attachments



Referral to NASA OIG



From: Grant Anderson
To: LEGTEAM
Cc: David J. Apol; Emory A. Rounds III
Subject: SCOTUS Decision
Date: Monday, June 29, 2020 12:47:27 PM
Attachments: 19-7_n6io.pdf

Please see attached for the Supreme Court's decision today in *Seila Law v. CFPB*.

Multiple outlets report on the decision. *NPR* notes that the majority decision finds that "the CFPB's leadership by a single individual removable only for inefficiency, neglect, or malfeasance violates the separation of powers." Supreme Court Gives President Power To Fire Key Independent Agency Chief (NPR); Supreme Court Orders Restructuring of Consumer-Finance Watchdog (WSJ); Supreme Court Lifts Limits on Trump's Power to Fire Consumer Watchdog (NYT)

From: Grant Anderson
Sent: Tuesday, March 3, 2020 5:20 PM
To: LEGTEAM legteam@oge.gov
Cc: David J. Apol <djapol@oge.gov>; Emory A. Rounds III <earounds@oge.gov>
Subject: Transcript

Please see attached for the Supreme Court's transcript from oral arguments today in *Seila Law v. CFPB*.

(b) (5) [redacted]

[redacted]

[redacted]

(b) (5) [redacted]

From:	Heather A. Jones
To:	Maura Leary; Patrick J. Lightfoot
Subject:	RE: Quick reg refresher question
Date:	Tuesday, June 30, 2020 11:00:02 AM

Patrick and Maura-

Yes, OMB gives the agencies a deadline. Seth said it was 3-weeks, which is how he estimated June 26. Yes, they sent 2634 to all the agencies. I believe they will do the same here. That said, I think we only got comments from 20ish agencies, with State and Homeland Securities with the most (States comments are really good in my experience). For the proposed (Obama administration), we received comments that identified the agency making them, but for the final (Trump administration) the comments were not identified by agency.

We then prepare answers to the comments: 1) accept, 2) accept with modification, 3) not accept with an explanation and provide the response to OMB who in turn provides to the agencies. If they don't like our response OMB tries to broker a compromise. If not compromise can be found, they will decide if we can go forward with our answer.

All of this is supposed to happen in the 90-day period.

Does this hit everything? If not, let me know.

Heather

From: Maura Leary
Sent: Tuesday, June 30, 2020 9:39 AM
To: Patrick J. Lightfoot <pjlightf@oge.gov>; Heather A. Jones <hajones@oge.gov>
Subject: RE: Quick reg refresher question

Heather,

To piggy-back on Patrick's question, I know we talked through the timeline before Rachel left and I understood that we had through basically the end of the summer to respond to agency comments – so what Patrick and I couldn't figure out is what is the June 26th deadline? Does OMB give a deadline to agencies within the 90 day process, and does (as Patrick suggested) the 90 day process cover both the agency comments and our response?

Just want to make sure we fully understand this process – and again as Patrick said, no rush at all.

Thanks!
Maura

Maura K. Leary
Assistant Counsel
U.S. Office of Government Ethics
Telephone: 202-482-9231

mleary@oge.gov

From: Patrick J. Lightfoot
Sent: Tuesday, June 30, 2020 9:34 AM
To: Heather A. Jones <hajones@oge.gov>
Cc: Maura Leary <mleary@oge.gov>
Subject: Quick reg refresher question

Gooood morning,

Absolutely zero rush in responding to this; it's not time sensitive. Maura and I were on an internal call yesterday about a desk officer referral and started talking about LEF and the 12866 process. We couldn't quite figure something out and thought you might have a better sense of things based on your experience with 2634. I attempted to do some digging myself, but couldn't find a solid answer.

I know we submitted LEF to OMB at the end of May to begin the 12866 process. My understanding of the process has always been a little fuzzy, but I generally thought it was a 90-day timeframe for OMB to review and send out to interested agencies for their comments. Two questions:

(1) Do you know why we're expecting to hear back from them already, at the 30-day mark? I thought the agencies have 90 days, but perhaps the entire process with OMB (review, receipt of comments, resolving those comments, etc.) is all supposed to happen within the 90-day period?

(2) When they send our regs out to the agencies, do you know if they've sent them out executive branchwide in the past, given the impact on the ethics program generally, or is it sometimes a more narrow group of agencies?

Thanks!

--Patrick

From:	Patrick J. Lightfoot
To:	Diana Veilleux; Nicole Stein; Tracy Hurston
Cc:	Shelley K. Finlayson; Seth Jaffe
Subject:	RE: Integrity User Guide - one more thing
Date:	Wednesday, July 1, 2020 10:06:22 AM
Attachments:	EO 13891 (10.9.19).pdf OMB M-20-02.pdf

Including Seth for his situational awareness.

(b) (5) [redacted]

--Patrick

From: Diana Veilleux
Sent: Wednesday, July 1, 2020 9:48 AM
To: Patrick J. Lightfoot <pjlightf@oge.gov>; Nicole Stein <nstein@oge.gov>; Tracy Hurston <thurston@oge.gov>
Cc: Shelley K. Finlayson <skfinlay@oge.gov>
Subject: RE: Integrity User Guide - one more thing

(b) (5) [redacted]

From: Patrick J. Lightfoot
Sent: Tuesday, June 30, 2020 5:49 PM
To: Diana Veilleux <djveille@oge.gov>; Nicole Stein <nstein@oge.gov>; Tracy Hurston <thurston@oge.gov>
Subject: RE: Integrity User Guide - one more thing

Nicole – (b) (5) [redacted]

Diana – (b) (5) [redacted]

(b) (5) [redacted]

--Patrick

From: Diana Veilleux
Sent: Tuesday, June 30, 2020 5:23 PM
To: Nicole Stein <nstein@oge.gov>; Tracy Hurston <thurston@oge.gov>
Cc: Patrick J. Lightfoot <pjlightf@oge.gov>
Subject: RE: Integrity User Guide - one more thing

(b) (5) [redacted].

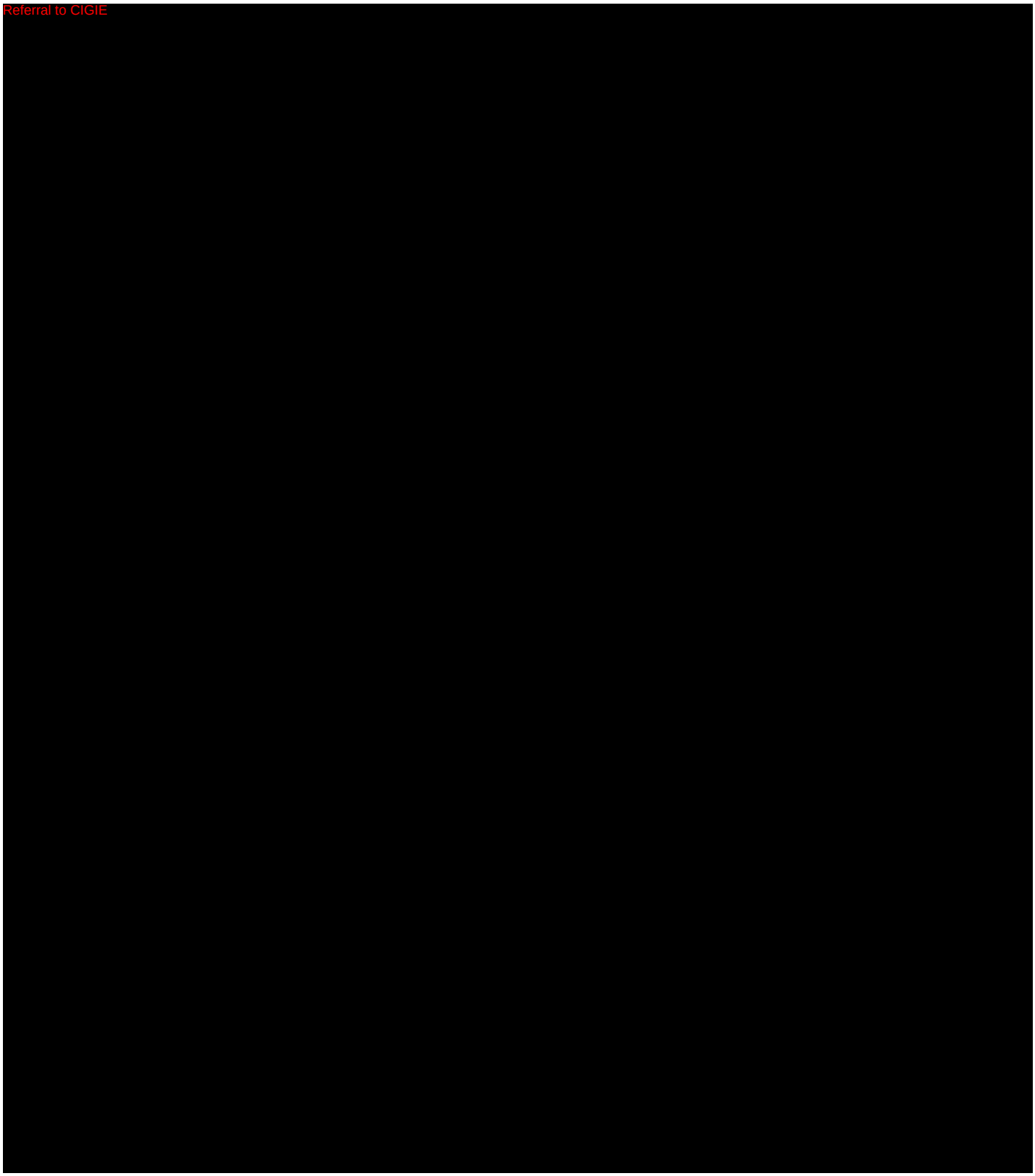
Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Nicole Stein <nstein@oge.gov>
Date: 6/30/20 5:16 PM (GMT-05:00)
To: Tracy Hurston <thurston@oge.gov>, Diana Veilleux <djveille@oge.gov>
Cc: "Patrick J. Lightfoot" <pjlightf@oge.gov>
Subject: Integrity User Guide - one more thing

Integrity User Guide has been labeled as a Guidance Documents under Executive Order that Patrick L. and Seth have been working on to implement. Therefore, we'll have to post it to our website. Can you send me the most up to date version?

Thanks.
Nicole

Referral to CIGIE



From:	Seth Jaffe
To:	Elizabeth D. Horton
Subject:	FW: request from NY Times
Date:	Tuesday, July 7, 2020 9:14:12 AM

Elizabeth,

FYI: I left you a voicemail concerning this. It is not urgent.

Thanks,
Seth

From: Seth Jaffe
Sent: Monday, July 6, 2020 5:14 PM
To: Elizabeth D. Horton <edhorton@oge.gov>
Subject: FW: request from NY Times

Hi Elizabeth,

I hope that you had a great holiday weekend.

When you have a chance could you please give me a call concerning this press inquiry?

Thanks,
Seth

From: Contact OGE
Sent: Monday, July 6, 2020 11:05 AM
To: Seth Jaffe <sjaffe@oge.gov>
Subject: FW: request from NY Times

Hi Seth,

This media inquiry came in through Contact OGE. Please note, this member of the media has been in contact with us a few times recently about the same matter.

Regards,
Chris

From: Steve Eder [mailto:(b) (6)]
Sent: Monday, July 6, 2020 10:24 AM
To: Contact OGE <contactoge@oge.gov>; Benjamin Protess (b) (6) >
Subject: Re: request from NY Times

Good morning - Are there any updates re: the release of President Trump's

financial disclosure? Has it been received by OGE? Please call me at (b) (6)

Thank you,
Steve

On Thu, Jul 2, 2020 at 1:38 PM Steve Eder <(b) (6)> wrote:

> Hi - Following up before the long weekend. Are there any updates re: the release of President Trump's financial disclosure? Has it been received by OGE? Please call me at (b) (6).
>
> Thank you.
>
> Steve
>
> On Wed, Jul 1, 2020 at 9:03 AM Steve Eder <(b) (6)> wrote:
>
> > Hi - We just wanted to follow up today to see if there are any updates re: President Trump's financial disclosure. Has it been received by OGE? Is it expected to be made public today? tomorrow? My cell is (b) (6).
> >
> > Many thanks.
> >
> > On Tue, Jun 30, 2020 at 1:14 PM Steve Eder <(b) (6)> wrote:
> >
> > > Hi - Steve Eder here from NY Times. Do you have any guidance on what time we might expect President Trump's 2019 financial disclosure to be posted?
> > >
> > > Thanks,
> > > Steve

From:	Teresa L. Williamson
To:	Patrick J. Lightfoot; "[redacted]"; "[redacted]"
Subject:	Public Financial Disclosure Report - William Perry Pendley (Attachments Contain CUI)
Date:	Wednesday, July 8, 2020 7:47:20 AM
Attachments:	OGE CUI Coversheet.pdf Pendley, William Perry finalEA.PDF Pendley, William Perry finalsenateltr.pdf Pendley, William Perry final278.pdf

---

CONTROLLED
Attachments contain CUI. When the attachments are removed, this email is uncontrolled unclassified information.

Good Morning,

I've attached the financial disclosure package for William Perry Pendley, who has been nominated by President Trump for the position of Director, Bureau of Land Management, Department of the Interior.

Thanks!

Teresa Williamson
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW - Suite 500
Washington, DC 20005
202-482-9283

From:	Cheryl L. Kane-Piasecki
To:	Agency Wide
Subject:	FW: Opinions re: partisan political groups & Black Lives Matter
Date:	Friday, July 10, 2020 2:10:56 PM
Attachments:	Partisan Political Groups.pdf Black Lives Matter and the Hatch Act.pdf
Importance:	High

Good afternoon—

Attached please find two new advisory opinions from OSC.
The first is an opinion that analyzes what is a partisan political group for purposes of the Hatch Act.
The second is an opinion applying that analysis to the Black Lives Matter movement and concluding that it is not a partisan political group for purposes of the Hatch Act.

As always please do not hesitate to let me know if you have any questions.

Best,
Cheryl
Cheryl Kane-Piasecki
ADAEO
Program Counsel Division
T: 202-482-9252
Email: clkanepi@oge.gov
www.oge.gov
Follow OGE on Twitter @OfficeGovEthics

From: Leigh Francis
To: Seth Jaffe
Subject: Re: Hello, Sir-- Lunch Soon? And a Small Request
Date: Monday, July 13, 2020 9:42:46 PM
Attachments: (b)(6) personal to L. Francis

Hi Seth,

Thanks again, Seth!

R/,
Leigh

On Mon, Jul 13, 2020 at 9:16 AM Seth Jaffe <sjaffe@oge.gov> wrote:

> Hi Leigh,
>
> It is nice to hear from you. I hope that you and your family are safe and well.

(b)(6) personal to L. Francis [redacted]

Hopefully we will be able to go to lunch in person so – but I know it could be a while. You can feel free to call me at (b) (6) [redacted].

Thanks,

Seth

From: Leigh Francis [mailto (b) (6) [redacted]]
Sent: Sunday, July 12, 2020 3:35 PM
To: Seth Jaffe <sjaffe@oge.gov>
Subject: Hello, Sir-- Lunch Soon? And a Small Request

Hi Seth,

I hope you and Jennifer are safe and well. It has been a few months since we touched base. (b)(6) personal to L. Francis [redacted] How is everything at OGE? I imagine you are gearing up for the transition, so the place is quite busy. Perhaps, when DC reaches Phase 3, we can connect for lunch? I would enjoy that.

I also have one small request with which I was hoping you could assist. (b)(6) personal to L. Francis [redacted]

(b)(6) personal to L. Francis [redacted]

Regardless, I hope we can grab lunch and catch up when it is safe and prudent to do so. And please give Jennifer my regards.

From: Stolt, Kristen L. EOP/NSC
To: Forbes, Mitchell L. EOP/OMB; "AGRICULTURE"; "COMMERCE"; "DEFENSE"; "Defense Nuclear Facilities Safety Board"; "EDUCATION"; "ENERGY"; "Environmental Protection Agency"; "General Services Administration"; "HEALTH & HUMAN SERVICES"; "HOMELAND SECURITY"; "HOUSING & URBAN DEVELOPMENT"; "INTERIOR"; "JUSTICE"; "LABOR"; "National Aeronautics and Space Administration"; "National Archives and Records Administration"; DL-NSS-LRM; LEGTEAM; DL-ONDCP-LRM; "Office of Personnel Management"; DL-OSTP-LRM; "Office of the Director of National Intelligence"; "STATE"; "TRANSPORTATION"; "TREASURY"; "US Agency for International Development"; DL-USTR-LRM; "VETERANS AFFAIRS"
Cc: Duffey, Michael P. EOP/OMB; Woollacott, Bryn E. EOP/OMB; Scher, Adam A. EOP/OMB; DL OMB NSD; DL OMB NSP IAD; McCormack, Brian V. EOP/OMB; Schoen, Ansley M. EOP/OMB; Pasquantino, John C. EOP/OMB; McDonald, Christine A. EOP/OMB; Robinson, Donovan O. EOP/OMB; Shawcross, Paul J. EOP/OMB; Colyar, Kelly T. EOP/OMB; Lucas, Adrienne E. EOP/OMB; Saunders, Ruth D. EOP/OMB; Hickey, Mike J. EOP/OMB; Crutchfield, Craig C. EOP/OMB; McGuire, Denzel E. EOP/OMB; Biedermann, Madison A. EOP/OMB; Bomberger, Melissa B. EOP/OMB; Cassell, Mary I. EOP/OMB; Branson, Michael D. EOP/OMB; Alexander, Thomas A. EOP/OMB; Reeves, Nicole E. EOP/OMB; Connolly, David C. EOP/OMB; Newman, Kim A. EOP/OMB; Crow, Rose C. EOP/OMB; Renier, Jessica J. EOP/OMB; Curtis, Tyler T. EOP/OMB; Turner, Austin F. EOP/OMB; Blum, Mathew C. EOP/OMB; DL OMB PPM Personnel Team; DL OMB OGC; Yaworske, Jason A. EOP/OMB; Fike, Hugh D. II EOP/OMB; McIntyre, Natalie M. EOP/OMB; DL NSC Legislative; DL NSC Legal; DL NSC Defense; DL NSC CT; DL NSC Cyber; DL NSC MENA; DL NSC EUR; DL NSC Asia; DL NSC EUR; DL NSC WMD; DL NSC INTEL; DL NSC BATS; DL NSC Resilience; DL NSC SouthAsia; DL NSC 5G; DL NSC Africa; DL NSC WHA; Collins, Rachel E. EOP/WHO; Baehr, James S. EOP/WHO; Gillfillan, Ross T. EOP/OSTP; Lawkowski, Gary M. EOP/WHO; Redstone, James J. EOP/WHO; Sherk, James B. EOP/WHO; Pace, Scott N. EOP/WHO; DL-WHO-WHGC-LRM; Telle, Adam R. EOP/WHO; Sugarman, AJ J. EOP/WHO; Vaeth, Matt J. EOP/OMB; Leon, Bryan P. EOP/OMB; Rodgers, Marshall J. EOP/OMB; Thomas, Will III EOP/OMB; Barringer, Jody M. EOP/OMB; Olson, Kathryn E. EOP/OMB; "D"Amato, Paul D CIV OSD OGC (USA)"; Haensel, Curt C CIV OSD OGC (US); Chriss, Sherry L CIV OSD OGC (US); Bayer, Philip K CIV OSD OGC (US); Tabler, Andrew H SES OSD OASD LA (USA); Richards, Edward I SES OSD OGC (USA); Paxton, Brian A. EOP/OMB; Riggs, Kyle S. EOP/OMB; Braid, James C. EOP/OMB; Cerrato, David E. EOP/OMB
Subject: RE: DUE TODAY LRM: [MLF-116-112] Due 07/16/2020 Thursday at 3:00 PM -- OMB Statement of Administration Policy on (b) (5)
Date: Thursday, July 16, 2020 9:51:30 AM
Attachments: (b) (5)

Clear for #BATS with a couple of minor edits.

14 page attachment "(b)(5)"

From: Forbes, Mitchell L. EOP/OMB
Sent: Thursday, July 16, 2020 8:36 AM
To: 'AGRICULTURE' ; 'COMMERCE' ; 'DEFENSE' ; 'Defense Nuclear Facilities Safety Board' ; 'EDUCATION' ; 'ENERGY' ; 'Environmental Protection Agency' ; 'General Services Administration' ; 'HEALTH & HUMAN SERVICES' ; 'HOMELAND SECURITY' ; 'HOUSING & URBAN DEVELOPMENT' ; 'INTERIOR' ; 'JUSTICE' ; 'LABOR' ; 'National Aeronautics and Space Administration' ; 'National Archives and Records Administration' ; DL-NSS-LRM ; 'Office of Government Ethics' ; DL-ONDCP-LRM ; 'Office of Personnel Management' ; DL-OSTP-LRM ; 'Office of the Director of National Intelligence' ; 'STATE' ; 'TRANSPORTATION' ; 'TREASURY' ; 'US Agency for International Development' ; DL-USTR-LRM ; 'VETERANS AFFAIRS'
Cc: Duffey, Michael P. EOP/OMB ; Woollacott, Bryn E. EOP/OMB ; Scher, Adam A. EOP/OMB ; DL OMB NSD ; DL OMB NSP IAD ; McCormack, Brian V. EOP/OMB ; Schoen, Ansley M. EOP/OMB ; Pasquantino, John C. EOP/OMB ; McDonald, Christine A. EOP/OMB ; Robinson, Donovan O. EOP/OMB ; Shawcross, Paul J. EOP/OMB ; Colyar, Kelly T. EOP/OMB ; Lucas, Adrienne E. EOP/OMB ; Saunders, Ruth D. EOP/OMB ; Hickey, Mike J. EOP/OMB ; Crutchfield, Craig C. EOP/OMB ; McGuire, Denzel E. EOP/OMB ; Biedermann, Madison A. EOP/OMB ; Bomberger, Melissa B. EOP/OMB ; Cassell, Mary I. EOP/OMB ; Branson, Michael D. EOP/OMB ; Alexander, Thomas A. EOP/OMB ; Reeves, Nicole E. EOP/OMB ; Connolly, David C. EOP/OMB ; Newman, Kim A. EOP/OMB ; Crow, Rose C. EOP/OMB ; Renier, Jessica J. EOP/OMB ; Curtis, Tyler T. EOP/OMB ; Turner, Austin F. EOP/OMB ; Blum, Mathew C. EOP/OMB ; DL OMB PPM Personnel Team ; DL OMB OGC ; Yaworske, Jason A. EOP/OMB ; Fike, Hugh D. II EOP/OMB ; McIntyre, Natalie M. EOP/OMB ; DL NSC Legislative ; DL NSC Legal ; DL NSC Defense ; DL NSC CT ; DL NSC Cyber ; DL NSC MENA ; DL NSC EUR ; DL NSC Asia ; DL NSC EUR ; DL NSC WMD ; DL NSC INTEL ; DL NSC BATS ; DL NSC Resilience ; DL NSC SouthAsia ; DL NSC 5G ; DL NSC

Africa ; DL NSC WHA ; Collins, Rachel E. EOP/WHO ; Baehr, James S. EOP/WHO ; Gillfillan, Ross T. EOP/OSTP ; Lawkowski, Gary M. EOP/WHO ; Redstone, James J. EOP/WHO ; Sherk, James B. EOP/WHO ; Pace, Scott N. EOP/WHO ; DL-WHO-WHGC-LRM ; Telle, Adam R. EOP/WHO ; Sugarman, AJ J. EOP/WHO ; Vaeth, Matt J. EOP/OMB ; Leon, Bryan P. EOP/OMB ; Forbes, Mitchell L. EOP/OMB ; Rodgers, Marshall J. EOP/OMB ; Thomas, Will III EOP/OMB ; Barringer, Jody M. EOP/OMB ; Olson, Kathryn E. EOP/OMB ; 'D'Amato, Paul D CIV OSD OGC (USA)' ; Haensel, Curt C CIV OSD OGC (US) ; Chriss, Sherry L CIV OSD OGC (US) ; Bayer, Philip K CIV OSD OGC (US) ; Tabler, Andrew H SES OSD OASD LA (USA) ; Richards, Edward I SES OSD OGC (USA) ; Paxton, Brian A. EOP/OMB ; Riggs, Kyle S. EOP/OMB ; Braid, James C. EOP/OMB ; Cerrato, David E. EOP/OMB

Subject: DUE TODAY LRM: [MLF-116-112] Due 07/16/2020 Thursday at 3:00 PM -- OMB Statement of Administration Policy on (b) (5) [redacted]

Importance: High

DEADLINE: 3:00 PM Thursday, Jul 16 2020

By the deadline above, please review and provide clearance or edits on the attached draft SAP for (b) (5) [redacted]. The bill text is available at: (b) (5) [redacted]

If you are providing edits, please also provide your rationale for the edit and a POC that may be contacted during and after regular business hours. Please note that the SAP will only cover the HASC-reported version. Also, language proposing specific line edits to the legislation are not included in SAPs; those can be addressed via conference documents after House and Senate floor consideration.

This is a **firm** deadline. Unless you advise otherwise by the deadline above, OMB/LRD will assume that you have no comments on the SAP.

Thanks in advance!

Mitch Forbes
Legislative Reference Division
Office of Management and Budget
(b) (6) [redacted]

LRM ID: MLF-116-112
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Legislative Liaison Officer - See Distribution
FROM: León, Bryan (for) Assistant Director for Legislative Reference
SUBJECT: LRM: [MLF-116-112] Due 07/16/2020 Thursday at 3:00 PM -- OMB Statement of Administration Policy on (b) (5) [redacted]
OMB CONTACT: Mitch Forbes(OMB)
E-Mail: (b) (6) [redacted]
PHONE: (b) (6) [redacted]
FAX: 202-395-5691

In accordance with OMB Circular No. A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

From: Cheryl L. Kane-Piasecki
To: David J. Apol; Seth Jaffe; Shelley K. Finlayson; Nicole Stein
Subject: FW: Technical correction to Black Lives Matter advisory opinion
Date: Thursday, July 16, 2020 10:37:43 AM
Attachments: Black Lives Matter and the Hatch Act - July 14.pdf

---

Just FYI—(b) (5) [redacted]

I don't know if we have begun receiving questions from agencies about this or if OGE itself has discussed it and any implications?

Again just an fyi.

Best,
Cheryl

Cheryl Kane-Piasecki
ADAEO
Program Counsel Division
T: 202-482-9252
Email: clkanepi@oge.gov
www.oge.gov
Follow OGE on Twitter @OfficeGovEthics

Referral to OSC [redacted]

From: Seth Jaffe
To: Sara Nekou
Subject: RE: FOIA records search - OGE FOIA FY 20/058
Date: Friday, July 17, 2020 1:41:34 PM

Hi Sara,

Thank you for your help earlier.

I have moved a copy of all of my emails marked TO and/or FROM and/or CC, that include the word TRUMP during the timeframe: April 1, 2020 to July 11, 2020 to (b)(5) - internal agency network [redacted] in subfolder "Seth".

I have no more responsive documents.

Thanks,
Seth

From: Sara Nekou
Sent: Friday, July 17, 2020 10:58 AM
To: Emory A. Rounds III <earounds@oge.gov>; Elaine Newton <enewton@oge.gov>; Kimberly L. Sikora Panza <klspanza@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: FOIA records search - OGE FOIA FY 20/058

Good morning,

OGE received a FOIA request for a copy of your emails marked TO and/or FROM and/or CC, that include the word TRUMP during the timeframe: April 1, 2020 to July 11, 2020.

Please search your email account, desktop, "HOME" drives, paper records in your personal office space, and/or home office, and anywhere else you personally keep such records for any records responsive to this request and provide any responsive records by **COB July 24, 2020**. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to me as part of this search response.

In your response to this search request, **please provide a brief summary of the locations you searched and the search terms you used.** If you do not have any responsive records, please note that in your response.

Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch

1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) (cell)
Snekou@oge.gov

From: Monica M. G. Ashar
To: Sara Nekou
Subject: RE: FOIA records search - OGE FOIA FY 20/058
Date: Sunday, July 19, 2020 2:24:49 PM

Hi Sara,

I've searched "all outlook items" for "Trump," and I uploaded my responsive records to the folder. Because I'm not necessarily turning on my OGE computer every week, please give me a call if you need me to check my email and conduct a search. I can be reached at x282 (my phone still rolls over).

Thanks,
Monica

From: Sara Nekou
Sent: Friday, July 17, 2020 10:58 AM
To: Emory A. Rounds III <earounds@oge.gov>; Elaine Newton <enewton@oge.gov>; Kimberly L. Sikora Panza <klspanza@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: FOIA records search - OGE FOIA FY 20/058

Good morning,

OGE received a FOIA request for a copy of your emails marked TO and/or FROM and/or CC, that include the word TRUMP during the timeframe: April 1, 2020 to July 11, 2020.

Please search your email account, desktop, "HOME" drives, paper records in your personal office space, and/or home office, and anywhere else you personally keep such records for any records responsive to this request and provide any responsive records by **COB July 24, 2020**. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to me as part of this search response.

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Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)

From: Patrick J. Lightfoot
To: Sara Nekou
Subject: RE: FOIA records search - OGE FOIA FY 20/058
Date: Monday, July 20, 2020 9:32:02 AM

Hi Sara,

I've searched through my emails in Outlook and also did a search of my desktop and home drive for the word "Trump." I've saved my emails that include that word in the folder path you included below.

--Patrick

From: Sara Nekou
Sent: Friday, July 17, 2020 10:58 AM
To: Emory A. Rounds III <earounds@oge.gov>; Elaine Newton <enewton@oge.gov>; Kimberly L. Sikora Panza <klspanza@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: FOIA records search - OGE FOIA FY 20/058

Good morning,

OGE received a FOIA request for a copy of your emails marked TO and/or FROM and/or CC, that include the word TRUMP during the timeframe: April 1, 2020 to July 11, 2020.

Please search your email account, desktop, "HOME" drives, paper records in your personal office space, and/or home office, and anywhere else you personally keep such records for any records responsive to this request and provide any responsive records by **COB July 24, 2020**. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to me as part of this search response.

In your response to this search request, **please provide a brief summary of the locations you searched and the search terms you used.** If you do not have any responsive records, please note that in your response.

Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) [redacted] (cell)
Snekou@oge.gov

From: Elaine Newton
To: Sara Nekou
Subject: RE: FOIA records search - OGE FOIA FY 20/058
Date: Tuesday, July 21, 2020 2:10:45 PM

Good afternoon,

I searched my emails, received and sent, and my g drive. I did not locate any records responsive to this request.

Thanks, Elaine

From: Sara Nekou
Sent: Friday, July 17, 2020 10:58 AM
To: Emory A. Rounds III <earounds@oge.gov>; Elaine Newton <enewton@oge.gov>; Kimberly L. Sikora Panza <klspanza@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>; Patrick J. Lightfoot <pjlightf@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: FOIA records search - OGE FOIA FY 20/058

Good morning,

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In your response to this search request, **please provide a brief summary of the locations you searched and the search terms you used.** If you do not have any responsive records, please note that in your response.

Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) [redacted] (cell)
Snekou@oge.gov

From: Kimberly L. Sikora Panza
To: Sara Nekou
Subject: RE: FOIA records search - OGE FOIA FY 20/058
Date: Wednesday, July 22, 2020 5:33:07 PM

Hi Sara,

I have placed all responsive files in the folder you referenced below. In this search, I looked in my Outlook files and also searched my personal drives. I do not have any other location where I would have responsive documents.

Thanks,
Kim

_____

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Kimberly L. Sikora Panza
Sent: Wednesday, July 22, 2020 5:15 PM
To: Sara Nekou <snekou@oge.gov>
Subject: RE: FOIA records search - OGE FOIA FY 20/058

Sara,

Do responsive records include Leg Updates?

Kim

_____

Kimberly L. Sikora Panza
Associate Counsel
U.S. Office of Government Ethics
1201 New York Avenue NW, Suite 500
Washington, DC 20005
202.482.9214

From: Sara Nekou
Sent: Friday, July 17, 2020 10:58 AM
To: Emory A. Rounds III <earounds@oge.gov>; Elaine Newton <enewton@oge.gov>; Kimberly L. Sikora Panza <klspanza@oge.gov>; Monica M. G. Ashar <mmgashar@oge.gov>; Patrick J. Lightfoot

<pjlightf@oge.gov>; Seth Jaffe <sjaffe@oge.gov>
Subject: FOIA records search - OGE FOIA FY 20/058

Good morning,

OGE received a FOIA request for a copy of your emails marked TO and/or FROM and/or CC, that include the word TRUMP during the timeframe: April 1, 2020 to July 11, 2020.

Please search your email account, desktop, "HOME" drives, paper records in your personal office space, and/or home office, and anywhere else you personally keep such records for any records responsive to this request and provide any responsive records by **COB July 24, 2020**. If you have any records responsive to the request on a non-official email account that were not copied into your official email account, please provide them to me as part of this search response.

In your response to this search request, **please provide a brief summary of the locations you searched and the search terms you used.** If you do not have any responsive records, please note that in your response.

Please save all responsive records, including emails in their native ".msg" format, at (b)(5) - internal agency network [redacted]

Please let me know if you have any questions. Thank you.

Sara Nekou
Assistant Counsel
US Office of Government Ethics
Legal, External Affairs & Performance Branch
1201 New York Avenue NW, Suite 500
Washington DC 20005
(202) 482-9229 (desk)
(b) (6) [redacted] cell)
Snekou@oge.gov

From: David Taube
To: Dale A. Christopher; Douglas L. Chapman
Cc: Seth Jaffe
Subject: RE: Revised FERC Report (4-1-2020).docx
Date: Monday, April 6, 2020 10:31:28 AM
Attachments: Revised FERC Report (4-1-2020) 02♦djt.docx

Chip & Doug,
Thank you for giving Seth and me a chance to review the revised FERC report.
Seth and I have looked over the draft and come up with a few suggestions, which are marked in attached version. The most significant suggestions are (b) (5) [redacted]
I hope this will be helpful. If you have questions or concerns about any of this, please let me and Seth know.
Thanks,
David

From: Seth Jaffe
Sent: Thursday, April 2, 2020 13:42
To: David Taube
Cc: Dale A. Christopher
Subject: FW: Revised FERC Report (4-1-2020).docx
David,
Could you please take a look at this when you return to the office tomorrow. I am out tomorrow so please send me a meeting invite to discuss on Monday prior to our getting back with Chip.
Thanks,
Seth

From: Dale A. Christopher
Sent: Thursday, April 2, 2020 12:44 PM
To: Seth Jaffe <sjaffe@oge.gov>
Subject: Revised FERC Report (4-1-2020).docx
5 page attachment "Revised FERC Report (4-1-2020).docx."
Seth,
Attached is the most recent version of the FERC report. I included virtually all of your/David's suggestions and forwarded to Shelley for review. As you know, Shelley's preference in many instances is to write things more in layman's terms. So this version, which Shelley and Emory have seen, tries to strike the balance between writing in a more accessible fashion while still getting the legal stuff correct.
So, we (Shelley, Emory, and I) thought it would be useful if you could give this one last scrub for legal sufficiency and to help ensure that by changing the style somewhat, particularly in the findings section, we didn't get the law wrong.
I appreciate your assistance with this whole project and I promise I won't ask you to look at this ever again.
Chip

From: Seth Jaffe
To: Suzanne L. Meyer
Subject: RE: OGE FOIA FY 20/043- FOIA records search
Date: Monday, May 11, 2020 5:38:45 PM

Suzanne,
I have searched my email inbox, sent box, and deleted items, as well as my Home drive and anywhere else I might keep such communications and I have been unable to locate any potentially responsive documents.
Thanks,
Seth

From: Suzanne L. Meyer
Sent: Monday, May 11, 2020 4:15 PM
To: Emory A. Rounds III ; Shelley K. Finlayson ; David J. Apol ; Seth Jaffe ; Deborah J. Bortot
Subject: OGE FOIA FY 20/043- FOIA records search
Good Afternoon:
I hope this email finds you well.
OGE received a FOIA request for "all email communications sent to, copied to, or received by OGE Director Emory Rounds, Chief of Staff Shelley Finlayson, General Counsel David Apol, Chief of the Ethics Law and Policy Branch Seth Jaffe, and Chief of the Presidential Nominations Branch Deborah Bortot from March 1, 2020 to the present regarding:

1) The impact of COVID-19 or the coronavirus on the presidential transition process.
2) The timeline for the designation of agency transition leads.
3) The timeline for the establishment of transition councils.
4) Any change or potential change to the General Services Administration's 'Major Activities Timeline' for the 2020/2021 presidential transition process.
5) The Trump administration's compliance with the Presidential Transitions Improvements Act of 2015 or the Presidential Transition Enhancement Act of 2019."
Please search your email inbox, sent box, and deleted items, as well as your Home drive and anywhere else you might keep such communications and respond to me by COB Wednesday, May 20, 2020.
Please drag and drop any responsive records into this folder: (b)(5) - internal agency network [redacted]

Please let me know if you are aware of another person not included in this email who may have responsive records.
Thank you,

Suzanne

Suzanne
FOIA Team
202-482-9249

From:	Teresa L. Williamson
To:	Patrick J. Lightfoot; Mann, Judy H; "Hampton, Tommye L"
Subject:	Public Financial Disclosure Report - C. Kevin Blackstone (Attachments Contain CUI)
Date:	Thursday, June 18, 2020 9:29:34 AM
Attachments:	OGE CUI Coversheet.pdf Blackstone, C. Kevin finalEA.PDF Blackstone, C. Kevin finalsenateltr.pdf Blackstone, C. Kevin final278.pdf

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CONTROLLED

Attachments contain CUI. When the attachments are removed, this email is uncontrolled unclassified information.

Good Morning,

I've attached the financial disclosure package for C. Kevin Blackstone, who has been nominated by President Trump for the position of United States Ambassador to the Democratic Republic of Timor-Leste, Department of State.

Thanks!

Teresa Williamson
Presidential Nominations Branch
U.S. Office of Government Ethics
1201 New York Avenue, NW - Suite 500
Washington, DC 20005
202-482-9283