



## OFFICE OF GOVERNMENT ETHICS

### **Agency Information Collection Activities; Information Collection Renewal; Comment Request for Legal Expense Fund Information Collection**

**AGENCY:** Office of Government Ethics (OGE).

**ACTION:** Notice of request for agency and public comments.

**SUMMARY:** After publication of this second-round notice, the U.S. Office of Government Ethics (OGE) plans to submit a proposed modified OGE Legal Expense Fund Information Collection for review and approval of a three-year extension under the Paperwork Reduction Act of 1995. The information collection relates to OGE’s Legal Expense Fund regulation at 5 CFR part 2635, subpart J.

**DATES:** Written comments by the public and agencies on this proposed extension are invited and must be received by [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit written comments and recommendations for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find and comment on this particular information collection by using the “Select Agency” drop-down menu under the “Currently Under Review” section to locate “Office of Government Ethics,” click the “Submit” button, and then click the “Comment” button. Alternatively, click the “Currently under Review—Open for Public Comments” link, locate the information on the page related to OMB Control Number 3209-0012, and click the “Comment” button to the right of such information.

**FOR FURTHER INFORMATION CONTACT:** McEvan Baum at the U.S. Office of Government Ethics; telephone: 202-482-9287; TTY: 800-877-8339; E-mail: [usoge@oge.gov](mailto:usoge@oge.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* OGE Legal Expense Fund Information Collection.

*Type of Information Collection:* Extension with modifications of a currently approved collection.

*Type of Review Request:* Regular.

*Respondents:* Current executive branch employees (and/or their representatives) seeking to accept payments for legal expenses from a legal expense fund or the provision of pro bono legal services for matters arising in connection with the employee's past or current official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team; legal expense fund trustees.

*Estimated Average Annual Number of Responses:* 133.

*Total Estimated Time per Response:* 5 minutes to 20 hours (see table below for detailed explanation).

*Estimated Average Total Annual Burden:* 109.2 hours.

*OMB Control Number:* 3209-0012.

*Abstract:*

On May 25, 2023, OGE published a final rule establishing a framework to govern an executive branch employee's acceptance of payments for legal expenses through a Legal Expense Fund (LEF) for matters arising in connection with the employee's official position, the employee's prior position on a campaign of a candidate for President or Vice President, or the employee's prior position on a Presidential Transition Team. The requirements for establishing and maintaining an LEF are found in 5 CFR part 2635, subpart J (LEF regulation).

The LEF regulation requires that employees who wish to establish a legal expense fund do so through a trust with a single, named employee beneficiary and a trustee. It also requires an employee beneficiary to file quarterly reports that include information (1)

regarding members of the public who make financial donations to help pay for the employee beneficiary’s legal expenses (donors) and (2) members of the public who receive payments from a legal expense fund (payees). The employee beneficiary must also file a termination report upon the termination of the trust and/or executive branch employment. The trust documents, quarterly reports, and termination reports will be posted directly on OGE’s website in accordance with 5 CFR 2635.1007(g).

To ensure that all applicable requirements regarding the information collection are met, OGE developed three instruments. First, OGE created the document titled, “Model Legal Expense Fund Trust Provisions,” to assist with the drafting of the trust document (instrument 1). Second, OGE created the Executive Branch Legal Expense Fund Quarterly Report (OGE Form 601) to be used for quarterly and termination reports (instrument 2). Third, OGE created a guidance document titled “Legal Expense Fund Trustee’s Guide for Information Collection Compliance,” which sets forth the requirements for collecting information related to donors and payees (instrument 3). Together, this information collection (IC) is titled “OGE Legal Expense Fund Information Collection.”

The IC was approved by OMB and assigned OMB Control Number 3209-0012 on July 21, 2023.

The following table estimates the total annual burden resulting from the OGE Legal Expense Fund Information Collection.

Instrument	Time per Response	Number of Annual Responses	Total Burden
Trust Document	20 hours	3	60 hours
Quarterly and Termination Reports (beneficiary burden)	2 hours	20	40 hours

Quarterly and Termination Reports (donor and payee burden)	5 minutes	110	9.2 hours
		Total	109.2 hours

OGE estimates that there will be approximately three new legal expense funds filed each year. It is anticipated that there may be an average of five legal expense fund trusts in existence each year. Each trust is anticipated to have approximately 20 donors, whose reporting requirements are tied to the frequency with which they donate, and approximately two payees, who will submit information each time they receive a distribution. The burden for collecting this information from donors and payees is on the trustees. These estimates are based in part on OGE’s knowledge of several legal expense funds that have been established for executive branch employees, as well as OGE’s consultation with the U.S. House of Representatives and the U.S. Senate regarding the legal expense funds that they oversee.

Based on the above, OGE estimates an average annual time burden during the next three years of 109.2 hours. Using an estimated rate of \$340 per hour for the services of a professional trustee or private representative, the estimated annual cost burden is \$37,128.

Under OMB’s implementing regulations for the Paperwork Reduction Act, any recordkeeping, reporting, or disclosure requirement contained in a rule of general applicability is deemed to involve ten or more persons. See 5 CFR § 1320.3(c)(4)(i).

OGE plans to submit the instruments described above to OMB for a three-year extension of approval with modifications, pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

A Federal Register Notice with a 60-day comment period soliciting comments on this information collection was published on December 18, 2025 (90 FR 59122). OGE received one set of comments containing several recommendations. OGE appreciates the feedback and considered each recommendation. OGE accepted recommendations that it believes will increase clarity and visibility of the reporting requirements. OGE declined to adopt other recommendations because it reached a different conclusion than the commenter regarding the sufficiency of the existing language and its location on the Executive Branch Legal Expense Fund Quarterly Report (OGE Form 601), the recommendations could create confusion, or because OGE opted to use alternative language to maintain consistency both within the OGE Form 601 and with the LEF Regulation.

**Proposed changes to the OGE Form 601:**

- Adding bolded text to the “Instructions for Completing Part 2 of the OGE Form 601: Distributions” section on page two, stating “[d]o not report information protected by attorney-client privilege.”
- Correcting minor typographical errors.

To view a draft of the OGE Form 601 with proposed changes, visit the download link at [https://www.oge.gov/web/OGE.nsf/0/8E30F3AD5633656585258DDB006946FA/\\$FILE/OGE%20Form%20601%20-%20LEF%20Quarterly%20Report%20Form%20-%20Version%20for%20renewal%20DRAFT.pdf](https://www.oge.gov/web/OGE.nsf/0/8E30F3AD5633656585258DDB006946FA/$FILE/OGE%20Form%20601%20-%20LEF%20Quarterly%20Report%20Form%20-%20Version%20for%20renewal%20DRAFT.pdf)

To view the currently approved instruments, visit the download links below

- Model Legal Expense Fund Trust Provisions - [https://www.oge.gov/web/OGE.nsf/0/584EB3EA9341202185258A0E0060F950/\\$FILE/FINAL%20APPROVED%20MODEL%20LEGAL%20EXPENSE%20FUND%20TRUST%20PROVISIONS.docx](https://www.oge.gov/web/OGE.nsf/0/584EB3EA9341202185258A0E0060F950/$FILE/FINAL%20APPROVED%20MODEL%20LEGAL%20EXPENSE%20FUND%20TRUST%20PROVISIONS.docx)

- OGE Form 601 -

[https://www.oge.gov/web/OGE.nsf/0/36A4A23FFADB37E685258A0E0060C896/\\$FILE/FINAL%20APPROVED%20LEF%20Quarterly%20Report%20Form%20For%20Posting.pdf](https://www.oge.gov/web/OGE.nsf/0/36A4A23FFADB37E685258A0E0060C896/$FILE/FINAL%20APPROVED%20LEF%20Quarterly%20Report%20Form%20For%20Posting.pdf)

- Legal Expense Fund Trustee's Guide for Information Collection Compliance (at numbered pages 15-18) -

[https://www.oge.gov/web/OGE.nsf/0/FD48C4B7CB5C9A3F85258A160078D0B4/\\$FILE/Handbook%20for%20Legal%20Expense%20Fund%20Trustees%20\(2023\).pdf](https://www.oge.gov/web/OGE.nsf/0/FD48C4B7CB5C9A3F85258A160078D0B4/$FILE/Handbook%20for%20Legal%20Expense%20Fund%20Trustees%20(2023).pdf)

Agency and public comments are invited specifically on the need for and practical utility of this information collection, on the accuracy of OGE's burden estimate, on the enhancement of quality, utility, and clarity of the information collected, and on minimizing the burden to the public. Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB approval. The comments will also become a matter of public record.

Specifically, OGE seeks public comment on the following:

1. What problems do you have using the OGE Form 601?
2. Are any sections of the OGE Form 601 or its instructions unclear?
3. Is there information provided that is confusing?
4. What additional information would be helpful?
5. Is it clear from the OGE Form 601 that the filing requirement begins once a Legal Expense Fund is approved under Subpart J of 5 C.F.R. part 2635, regardless of whether a reportable contribution or distribution is made during a reporting period?

Authority: 44 U.S.C. 3506(c)(2)(A); 5 CFR 1320.8(d)(1); 5 CFR part 2635, subpart J.

Approved: May 26, 2026.

**James Cooper,**

*Chief Information Officer, Office of Government Ethics.*

[FR Doc. 2026-10772 Filed: 5/28/2026 8:45 am; Publication Date: 5/29/2026]