

**U.S. Office of Government Ethics
Supporting Statement for the
OGE Legal Expense Fund Information Collection
May 2026**

A. Justification

1.-2. Explain the circumstances that make the collection of information necessary. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The U.S. Office of Government Ethics (OGE) is the supervising ethics office for the executive branch under the Ethics in Government Act of 1978 (EIGA). On May 25, 2023, OGE published a rule to establish a framework to govern an executive branch employee's acceptance of payments for legal expenses through a Legal Expense Fund (LEF) 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 (LEF regulation). The requirements for establishing and maintaining a LEF are found in 5 CFR part 2635, subpart J.

In fulfilling the regulatory requirements, employee beneficiaries of a LEF must first submit a trust document for approval by their employing agency, and in some cases by OGE. The LEF funds must be administered by an independent trustee. Employee beneficiaries (or their trustees, acting on their behalf) must also submit quarterly and termination reports regarding the funds collected and disbursed by the legal expense fund. Information for these reports will in turn be collected from (1) donors who contribute to the legal expense fund for the payment of legal expenses and (2) payees who receive payments distributed from the legal expense fund. Together, this information collection (IC) is titled "OGE Legal Expense Fund Information Collection." The purposes of the OGE Legal Expense Fund Information Collection include, but are not limited to, obtaining information relevant to a conflict-of-interest determination and disclosing on the OGE website information submitted pursuant to 5 CFR part 2635, subpart J.

To ensure that all applicable requirements regarding the information collection are met, OGE developed three instruments. First, OGE created the document entitled, "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 entitled “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).

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

OGE is submitting the three instruments described above for review and approval of a three-year extension by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. Each of these three instruments includes a burden statement. Note that the burden of collecting information from payees and donors is on the trustee, and therefore the burden statement regarding that information has been placed on the Legal Expense Fund Trustee’s Guide for Information Collection Compliance. Please also note that following approval, instrument 3 was incorporated into the Appendix of the subsequently created [Handbook for Legal Expense Fund Trustees](#), at numbered pages 15-18.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The IC will be collected through email transmission of portable document format (PDF) documents.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in item 2 above.

As the supervising ethics office for the executive branch, only OGE has the authority to regulate the formation of executive branch employee legal expense funds. The information is not collected by any other instruments.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

These documents do not have a significant impact upon small businesses or other small entities.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing the burden.

All of the information is mandated by OGE regulation and is necessary for proper reporting and review of legal expense funds. See also items 1-2, above.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **Requiring respondents to report information to the agency more often than quarterly;**
- **Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Requiring respondents to submit more than an original and two copies of any document;**
- **Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or that unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Requiring respondents to submit proprietary trade secrets or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No such special circumstances exist.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

A *Federal Register* notice with a 60-day comment period soliciting comments on this information collection was published on December 18, 2025. See 90 FR 59122. The public comment period closed on February 18, 2026. OGE received one set of comments from the

National Employment Lawyers Association (NELA) containing specific recommendations. OGE considered each recommendation. Below is a summary of the recommendations and actions taken by OGE in response, where applicable:

(1) The OGE Form 601 should include the following phrase in the instructions in bold, black lettering in a font size at least as large as the smallest font size in the instructions: “Do not disclose any privileged or confidential information. Consider consulting with legal counsel before filing this Form.”

OGE believes that adding additional language to the instructions will improve clarity and increase visibility of the fact that no privileged information is required to be disclosed under § 2635.1007. Accordingly, OGE has updated the instructions of the Form to state: “Do not report information protected by attorney client privilege.” OGE declines to adopt the exact wording in the comment and instead is using the wording found at the top of Part 2 of the Form for consistency within the Form and with the discussion in OGE’s final rule preamble, 88 Fed. Reg. 33799, 33805 (May 25, 2023) (“employee beneficiary is in no way compelled to, and in fact should not, report confidential attorney-client information.”). OGE believes the existing wording found in Part 2 of the Form adequately warns a filer not to disclose this type of information.

(2) The OGE Form 601 should include the following phrase on each page in bold, black lettering in a font size at least as large as the smallest font size in the instructions: “Do not disclose any privileged or confidential information. Consider consulting with legal counsel before filing this Form.”

OGE believes the current note and format at the top of Part 2 of the Form sufficiently alerts employee beneficiaries not to disclose privileged information as discussed in OGE’s final rule preamble (88 Fed. Reg. 33799, 33805 (May 25, 2023)), such that it declines to change that note. OGE declines to add the disclaimer language to the top of Part 1 (Contributions) of the Form because it is not applicable to that part and may create confusion.

(3) OGE should include information in the instructions consistent with its previous position that “[t]he required purpose can be as broad as ‘legal services’” 88 Fed. Reg. 33799, 33805 (May 25, 2023).

OGE believes this information is already covered in the Form instructions as an example (using “Legal Services” as an example for the “Brief Description of the Purpose” field). Accordingly, OGE declines to adopt this comment further.

OGE again sought public comment in the second round *Federal Register* notice on May 29, 2026. See 91 FR 32050. That notice instructed commenters to send comments directly to OMB.

OGE continually seeks comments from persons outside the agency concerning the impact of its information collection instruments upon filers and agency ethics programs. OGE routinely alerts professionals in the ethics community to recently published OGE Federal Register notices via its listserv, various social media applications, and meetings. Visitors to the OGE website are provided with the opportunity to contact OGE with comments or suggestions. Furthermore, the public can always use OGE's inbox at contactoge@oge.gov to send concerns, and ethics officials can contact their Desk Officer to accomplish the same.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurances of confidentiality have been provided. Note that the information collected from beneficiaries, trustees and other representatives, donors, and payees is Privacy Act-protected and covered by a government-wide system of records designated OGE/GOVT-3, OGE Legal Expense Fund Trust Documents, Reports, and Other Name-Retrieved Records. Accordingly, OGE has placed Privacy Act statements on instruments 1 and 2 and required in instrument 3 that trustees give donors and payees a separate Privacy Act statement, which is attached to instrument 3 as an appendix.¹

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no sensitive questions in this information collection. All of the information is mandated by OGE regulation and is necessary for proper reporting and review of legal expense funds.

¹ To clarify, the reason that instrument 3 has a burden statement directed at trustees and a separate Privacy Act statement to be given to donors and payees is that the burden for collecting this information from donors and payees is on the *trustees*, but the information collected (which is subject to the Privacy Act) is information about the *donors and payees*. Therefore, because the donors and payees will not see instrument 3 (which serves as a set of instructions to trustees for collecting the information), they must be given the separate Privacy Act statement attached to instrument 3 as an appendix.

12.-13. Provide estimates of the hour burden of the collection of information. Provide an estimate for the total annual cost burden to respondents or record-keepers resulting from the collection of information.

The estimated burden for each document is provided in the table below. 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.

Instrument	Time per Response	Number of Annual Responses	Total Burden
Trust Document (Instrument 1)	20 hours	3	60 hours
Quarterly and Termination Reports (Instrument 2)	2 hours	20	60 hours
Donor and payee burden (Instrument 3)	5 minutes	110	9.2 hours
		Total	129 hours (rounded)

The annual cost burden is \$43,860. This calculation is based on the fact that most of the burden will be carried by professional trustees or private representatives at an estimated cost of approximately \$340 per hour.

14.-15. Provide estimates of annualized costs to the Federal Government. Explain the reasons for any program changes or adjustments reported on the burden worksheet.

OGE estimates that this program will cost the Federal Government an average of \$25,107.91 per year for the next three years. This figure is lower than the \$33,677.11 yearly cost over the first three years because that estimate included additional costs for starting the program that were expected to be incurred only in the first year.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used.

Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

N/A. While the information will be made public, it will not be analyzed or tabulated. The information collection will be ongoing, as legal expense funds are created, maintained, and eventually terminated.

17. If you are seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the topics of the certification statement identified in Certification for Paperwork Reduction Act Submissions.

Certification items (c), (f) and (i) are not applicable to this information collection.

B. Collection of Information Employing Statistical Methods

Not applicable. This collection does not employ statistical methods.