

## **Supporting Statement**

### **Form NSD-4**

**OMB No. 1124-0004**

#### **A. Justification**

1. This form is the Exhibit B to registration statement filed by individuals and firms representing foreign principals pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, et seq., (FARA or the Act). The use of this form is required by the provisions of the Act and provides the most efficient means for compliance with the statutory provisions. The purpose of FARA is to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in propaganda activities and other activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in the light of their associations and activities.

2. The Exhibit B must set forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and method of performance of such agreement or understanding and the existing or proposed activities engaged in or to be engaged in, including political activities, by the registrant for the foreign principal. The information provided is maintained in the public office of the Registration Unit, Counterespionage Section, National Security Division where it is available for review by the public.

3. There has been an ongoing conversion of the FARA records system from a paper based filing system to a computerized filing system. Registration forms are available on the FARA website. Currently the FARA Unit does not have the automated capability in place to accept electronic submissions of forms.

4. A review of the National Security Division Forms Inventory Report revealed no duplication of efforts. There is no other similar information currently available which can be used for this purpose.

5. This collection of information does not have an impact on small businesses or other small entities.

6. Copies of all Exhibit B to the registration statements furnished under the Act are public records and open to public inspection. If this collection is not conducted, this information cannot be made available for public examination as required by statute.

7. Section 612(a) of the Act states that every person who becomes an agent of a foreign principal must, within ten days thereafter, file with the Attorney General a registration statement. Section 615 of the Act requires that every agent of a foreign principal registered under the Act keep and preserve while he is an agent of a foreign principal such books of account and

other records with respect to all his activities, the disclosure of which is required under the provisions of this Act, and preserve the same for a period of three years following the termination of such status.

8. A 60-day notice and a 30-day notice were published in the Federal Register to solicit public comments on this information collection. The form for this information collection was created internally in the National Security Division.

9. No payment or gift is provided to respondents.

10. The information provided is available to the public under the provisions of the Foreign Agents Registration Act, a disclosure statute. No assurances are provided.

11. There are no sensitive questions.

12. The number of respondents is estimated to be 164 and the annual burden hours of 54 is based on the stated responses at .33 hours (20 minutes) per response.

13. An estimate of the total annual cost burden to respondents or recordkeepers resulting from this collection of information varies widely depending upon the nature of the foreign agent's activities for or in the interests of the foreign principals represented, and the number of foreign principals represented during a particular reporting period. Therefore, a general estimate of the total cost in responding to the forms is unavailable.

As part of the total annual cost burden to the respondents, a filing fee is charged for Exhibit A forms and for supplemental statement forms. Each respondent is required to pay a filing fee of \$305.00 for each Exhibit A filed, and is required to file this form each time the respondent obtains a new foreign principal. The filing fees for each supplemental statement filed varies widely depending on the number of foreign principals represented by the respondent in a given six month period. The respondent is required to pay \$305.00 for each foreign principal represented during the six month reporting period. While each respondent will pay a filing fee of at least \$305.00 for each supplemental statement filed, some respondents may represent as many as 20 foreign principals and pay a filing fee of \$6,100.00 for each supplemental statement filed. The annual estimated cost, when considering only the filing fee, can range anywhere from \$610 to over \$12,000 a year depending on the number of foreign principals represented by the respondent. In addition, the number of foreign principals represented in a given year varies. It is estimated that annually there are approximately 1,225 foreign principals listed by respondents on the registration forms. A total estimate of \$373,625.00 is received annually in filing fees from all respondents.

When considering the total annual cost, the filing fee is only one cost burden to the respondent or recordkeeper. Other costs associated with completing the registration forms vary widely depending on the nature of activities and number of foreign principals represented. Respondents reporting for only one foreign principal and engaged in very little activity on behalf of the foreign principal may incur only minimal costs above the filing fee because the time and effort in completing the forms is minimal. On the other hand, respondents who represent many foreign

principals and are actively engaged in activities for those foreign principals incur greater costs in responding to the registration forms because more time and effort is required in responding. These annual costs also vary widely and can include everything from minimal administrative costs to costly hourly attorney fees. Therefore, a general estimate of these costs is unavailable.

14. Estimates of cost to Federal Government.

|                   |             |
|-------------------|-------------|
| Printing          | \$ 22.00    |
| Mailing           | 32.00       |
| Professional Time | 30,739.00   |
| Clerical Time     | 15,479.00   |
| Overhead          | 294.00      |
| <hr/>             |             |
| Total             | \$46,566.00 |

Pursuant to P.L. 102-395 enacted on October 6, 1992, and established by regulations codified at 28 C.F.R. § 5.5, the Attorney General was authorized to establish fees to recover the cost of administering the Foreign Agents Registration Act. A respondent is required to pay a filing fee of \$305.00 for each Exhibit A filed, and is required to file this form each time he obtains a new foreign principal. The filing fee for each supplemental statement filed varies widely depending on the number of foreign principals represented by the registrant in a given six month period. The respondent is required to pay \$305.00 for each foreign principal represented during the six month reporting period. While each respondent will pay a filing fee of at least \$305.00 for each

supplemental statement filed, some respondents may represent as many as 20 foreign principals and pay a filing fee of \$6,100 for each supplemental statement filed. There is no registration fee for the registration statement, the Exhibit B to the registration statement, the short form registration statement, or the amendment to the registration statement. A total estimate \$373,625.00 is received annually in filing fees from all respondents.

15. The number of respondents varies depending on agency relationships with foreign principals and the number of individuals acting as officials or employees or rendering assistance to a registrant for or in the interests of the latter's foreign principal(s).

16. Section 621 of the Foreign Agents Registration Act of 1938, as amended, (22 U.S.C. 621), requires the Attorney General to report every 6 months to the Congress concerning the administration of the Act, as well as the nature, sources and content of informational materials disseminated and distributed by agents of foreign principals registered under the Act. The text of this report lists, according to geographical area or nationality field, all agents who were registered at any time during the 6 month period, or who reported for the first time in that period activities, receipts or disbursements for the previous period. It includes the identities of the agents and their foreign principal(s), a description of the agent's activities, a total figure for monies received, a description of any information materials disseminated, and a listing of all individual agents.

17. The NSD requests OMB approval to not display an expiration date for OMB approval of the information collection on forms required to be filed pursuant to the Foreign

Agents Registration Act (FARA). NSD seeks approval that only an effective date be displayed on all forms required by FARA. Displaying an expiration date on each form is inappropriate because the forms used for complying with FARA are meant for wide distribution and must be made available at all times and over many years in order for persons to comply with the requirements of the statute. Filing registration forms under FARA is the only way a “foreign agent” can comply with the requirements of FARA, which makes it essential that the forms not display an expiration date. The expiration date for OMB approval of the information collection will be displayed on the information collection.

18. The NSD does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-I.

**B. Collection of Information Employing Statistical Methods.**

This information collection does not employ statistical methods. Section 2 of the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611, et seq. (the Act) sets forth the general requirements as to registration as well as the information which a registrant is required to supply in the registration statement.

**C. Certification and Signature.**

**PAPERWORK CERTIFICATION**

In submitting this request for Office of Management and Budget (OMB) approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under the Paperwork Reduction Act of 1995.

---

Heather H. Hunt, Chief  
Registration Unit  
Counterespionage Section  
National Security Division  
Department of Justice

---

Date