

Supporting Statement for Paperwork Reduction Act Submission

Approval by OMB for an extension without changes of three additional years for an existing collection currently in use, **OMB Control # 1124-0006, Exhibit A to Registration Statement (Foreign Agents) Form NSD-3.**

The most recent request for a three-year extension of this form was approved on May 23, 2017. The form was revised under an OMB-approved non-substantive change request in June 2019, which was approved by OMB on July 22, 2019.

Part A. Justification

1. Necessity of Information:

The Exhibit A to Registration Statement is 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 statutory provisions of FARA and provides the means for compliance with the Act. FARA requires certain agents of foreign principals who are engaged in political activities or other activities specified under the statute to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities. Disclosure of the required information facilitates evaluation by the government and the American people of the activities of such persons in light of their function as foreign agents.

2. Needs and Uses:

The Exhibit A to Registration Statement provides the information used for registering foreign agents under FARA. The information provided is maintained by the FARA Unit, Counterintelligence and Export Control Section, National Security Division where it is available for review by the public during regular business hours at the FARA Unit public office located at 175 N Street, N.E., Suite 1.204, Constitution Square/Building Three [“3CON”] Washington, D.C. 20002; or online at <https://www.fara.gov/>.

3. Use of Technology:

Section 212 of P.L. 110-81, the Honest Leadership and Open Government Act of 2007 (HLOGA), requires the Attorney General to provide registrants with the ability to file registration statements electronically. In 2011, the Department of Justice released FARA eFile, an online system capable of accepting electronic submissions of registration forms and filing fees. FARA eFile, accessible through the FARA public website, allows registrants to file registration forms required by the Act and to pay the required filing fees through the Department of Treasury/Federal Reserve Pay.gov financial collection service. The FARA eFile system permits registrants to file registration forms and pay corresponding filing fees electronically to the FARA Unit, 24 hours a day, 7 days a week.

Registration forms have been available in a PDF fillable format on the FARA website located at <https://www.fara.gov/>. These forms were revised and submitted to OMB for three-year renewal

approvals in 2011, 2014, and 2017. On July 22, 2019, OMB approved NSD's non-substantive change request. This approval allowed for certain additional features and capabilities as outlined in the change request, to be released to the public as soon as technically practicable in three scheduled phases, two of which were completed by May 6, 2020.

Introduction

NSD is upgrading its FARA eFile information collection, from the current PDF fillable form eFile system to a web-form digitized eFile system. The web-form will improve information quality, standardize fields, and minimize user error, while reducing respondent burden. Other improvements include additional search capabilities to capture certain datasets offered for public research using search tools available on the FARA website, <https://www.fara.gov/>.

The most recent request for a three-year extension of this form was on May 23, 2017, under OMB Control No. 1124-0006. At that time, the public was notified in the Federal Register that NSD was working to enhance its FARA eFile system to "provide greater standardization, improved intuitive features, and less burdensome requirements" to benefit all registrants and to promote greater transparency. During a 90-day comment period, the public was provided with an opportunity to comment on the revisions. On July 22, 2019, OMB-OIRA approved NSD's requests for non-substantive changes to the Exhibit A to Registration Statement, and the collection of its information through a web-form. These updates synchronize with OMB's guidance strongly encouraging agencies to develop interactive, web-based applications to facilitate public responses.

4. Efforts to Identify Duplication:

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. Methods to Minimize Burden on Small Businesses:

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

6. Consequences of Less Frequent Collection:

Copies of all Exhibit A to Registration Statement forms 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. Special Circumstances Influencing Collection:

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 of 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. Public Comments and Consultations:

A 60-Day notice and a 30-Day notice were published in the Federal Register on February 6, 2020 and on April 13, 2020, respectively, to solicit public comments on the information collections for the six (6) registration forms (OMB Control Nos. 1124-0001 thru 1124-0006) for registering foreign agents under FARA. One comment was received from the public in response to the 60-Day Federal Register notice, which included fourteen (14) individual respondent signatories.

9. Payment of Gift to Claimants:

No payment or gift is provided to respondents.

10. Assurance of Confidentiality:

The information provided is available to the public under the provisions of FARA, a disclosure statute. No assurances are provided.

11. Justification for Sensitive Questions:

There are no sensitive questions. Provisions have been made via the Office of Privacy and Civil Liberties (DOJ/OPCL) to ensure no PII is requested in the form's questions, other than what is specifically required under the statutory language.

12. Estimate of Hour Burden:

The number of respondents is estimated to be 296 and the annual burden hours of 65.12 is based on the stated responses at .22 hours per response.

13. Estimate of Cost Burden:

An estimate of the total annual cost burden to respondents or record keepers 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 principal(s) represented, and the number of foreign principals represented during a particular reporting period. For example, respondents reporting for only one foreign principal would incur lower costs because the time and effort in completing the forms is less. On the other hand, respondents who represent many foreign principals incur greater costs in responding to the registration forms because more time and effort is required in responding. Therefore, a general estimate of the total cost in responding to the forms is not available.

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 is authorized to establish fees to recover the cost of administering FARA. As part of the total annual cost burden to the respondents, a filing fee is charged for Exhibit A (OMB Control No. 1124-0006) and for Supplemental Statement (OMB Control No. 1124-0002) forms. There is no filing fee for the Registration Statement (OMB Control No. 1124-0001), the Exhibit B to the Registration Statement (OMB Control No. 1124-0004), the Short Form Registration Statement (OMB Control No. 1124-0005), or the Amendment to the Registration Statement (OMB Control No. 1124-0003). Each respondent is required to pay a filing fee of \$305.00 for each Exhibit A filed, and is required to file the Exhibit A form each time the respondent acquires a new foreign principal. The filing fees for each Supplemental Statement filed vary 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. The annual estimated cost, when considering only the filing fee is at least \$610.00, and will increase by an additional \$610.00 for each foreign principal represented by the respondent during the year. The number of active foreign principals represented each year varies. In FY 2019 a total of \$471,010.00 in filing fees was paid by respondents.

14. Estimated Annualized Costs to Federal Government:

The Registration Statement is required for all new registrants to register under FARA. Each registrant must establish a FARA eFile account to electronically file under FARA, as mandated by HLOGA. In April 2011, FARA eFile was released and became the required channel for registrants to properly register under FARA using the six (6) registration forms (OMB Control Nos. 1124-0001 thru 1124-0006).

The FARA eFile upgrade involves a shift from a fillable and fileable PDF registration system to a web-form based registration system. This system includes: (1) securing an eFile account, (2) responding to web-form interview questions to complete all necessary forms, (3) submitting forms, and (4) making online payments. Forms and payments are received and processed by FARA Unit personnel. The Registration Statement is the primary form in which NSD calculates costs to the government for completing registrations. Accordingly, the estimated costs associated for OMB 1124-0002 thru OMB 1124-0006 are absorbed into OMB Control No. 1124-0001.

Estimated Annualized Costs to the Government for all six (6) forms associated with OMB Control No. 1124-0001 thru OMB Control No. 1124-0006 for FY 2020:

Prime Technical Contract costs to support FARA Program: \$956,619.00

Hosting & Network support access and utilities (DOJ-JMD): \$146,950.00

Hardware servers, routers, and similar components purchased: \$32,605.00

Software including upgrades, licenses, etc., purchased to support FARA Program: \$183,101.00

NSD IT staff salaries/costs associated with the internal sample testing and UAT feedback

sessions by technical staff for FARA e-File 4.0 (+) development: \$121,489.00

NSD FARA Unit staff salaries/costs associated with technical improvements to eFile including feedback related to design and development, and UAT: \$54,962.00

15. Reasons for Change in Burden:

The number of respondents varies depending on the number of persons acting as agents of foreign principals required to register under the Act, and depending upon the number of individuals acting as officials or employees or rendering assistance to the respondent for or in the interests of the respondent's foreign principal(s). This is an extension to a currently approved collection. The FARA eFile registration and payment system uses web-forms for respondents (registrants) to register under FARA and pay the required filing fee(s). The public burden in completing their registration obligations via FARA eFile is reduced. The burden reduction is realized through the registration filing process utilizing web-form features. The filing process begins when the respondent signs onto the eFile portal and ends when the registrant submits the registration statement forms through FARA eFile.

16. Expiration Date Approval:

The expiration date OMB assigns for this ICR is entered into ROCIS and will be displayed on the FARA forms.

17. Exceptions to the Certification Statement:

The NSD does not request an exception to the certification of this information collection.

Part B. Statistical Methods

This information collection does not employ statistical methods. Section 612 of FARA (22 U.S.C. § 612) sets forth the general requirements of registration, as well as the information which a registrant is required to supply in the registration statement.

Part 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.

/s/ Brandon L. Van Grack

May 13, 2020

Chief
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National Security Division
Department of Justice