

SUPPORTING STATEMENT A

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection 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, (28 CFR 5), (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. 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 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 on the *FARA.gov* website: <https://www.justice.gov/nsd-fara/fara-eFile>.

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, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

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. The collection will now use a new eFile webform system located on the FARA.gov website: <https://www.justice.gov/nsd-fara/fara-efile>.

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 A.2 above.

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

There is no significant impact on small business or other private 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 burden.

Copies of all 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. 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 three 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 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 which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secret, 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.**

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. 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. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The 60-Day Notice was published in the Federal Register on April 20, 2023 (88 FR 24444). The comment period ended June 20, 2023. One official communication was received by NSD reflecting comments and recommendations. That communication was signed collectively by five organizations and was received on the final day of the comment period. NSD is reviewing and considering those comments and recommendations in light of (i) their consistency with the relevant statutory and regulatory authority, (ii) the extent to which they advance the information value and the transparency of the data collected by the FARA eFile system, and (iii) the level of effort and time needed to design, implement, and test any related changes to the eFile system (including but not limited to the multiple forms and templates that would be affected) that NSD decides to implement.

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

No government funds will be used as payment or for gifts to respondents.

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

Confidentiality is not required in the processing of this information collection.

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. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

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. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual	Time Per Response	Total Annual
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			Response s		Burden (Hours)
NSD-3	451	1	451	.22 hrs.	99 hrs.
<i>Unduplicate d Totals</i>	<i>451</i>		<i>451</i>		<i>99 hours</i>

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

Total Estimated Annual Other Costs Burden related to this Information Collection Request form NSD-3:

- a. Respondent-Registrant: Filing Fees = \$305.00 for every Exhibit A (new foreign principal contract).
- b. Federal Government Agency (NSD) / Note: This category covers all six (6) FARA registration forms OMB Control Nos. 1124-0001 through 1124-0006.
 - i. Contractor staff (non-IT) = \$120,066.80/3 years = \$40,022.27 annually.

- ii. Postage Grand Total = \$3,839.00/3 years = \$1,279.67 annually.
 - 1. US Mail = \$2,880.00/3 years = \$960.00 annually.
 - 2. Commercial courier: \$959.00/3 years = \$319.67 annually.
- iii. FARA.gov website maintenance, hosting, network support access and utilities (DOJ-JMD) @ <https://www.justice.gov/nsd-fara>: = \$1,433,876.92/3 years = \$477,958.96 annually.

Total annual cost burden for this collection is \$86,544 (\$1,557,783/3 years/6 OMB Nos.)

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

Estimated Annualized Costs to the Federal Government

<u>Categories</u>	<u>Amounts in \$</u>
Prime Technical Contract to support FARA Program	\$4,399,493/3 = \$1,466,498 annually
Hosting & Network support access and utilities (DOJ/JMD)	\$1,433,877/3 = \$477,959 annually
Federal Reserve (Pay.gov) invoicing service	\$0 (Free to all federal agencies)
Hardware servers, routers, and similar components purchased	\$108,449/3 = \$36,150 annually
Software including upgrades, licenses, etc., purchased to support the FARA Program	\$61,460/3 = \$20,487 annually
DOJ-Criminal Division CRMLink bridge EAP / Oracle Classification System costs NSD pays to CRM for DJ Numbering FARA designations for registrant-responder account creation.	\$0
FARA eFile & FARA O&M annual appropriation requests	\$0
Draw down FARA fees collected from NSD's FARA No-Year Funds Account	\$0
Federal Government salaries associated with processing all six ICRs (FARA Registration Statements (webforms)).	\$2,297,695/3 = \$765,898 annually
Federal government salaries/costs associated with the internal sample testing and UAT feedback sessions by FARA Unit staff for FARA eFile 4.0, 4.1 (+) development,	\$910,231

Federal government salaries/costs associated with the involving customer service support re FARA eFile 4.0/4.1 (+) outreach to registrant-respondents during July 2020 – July 2023. eFile customer support coordination via Attorney/Analyst/Specialist assigned teams on rotational duty weeks, and projected normal 3-year revision time frame by staff supporting eFile issues.	\$2,442,512/3 = \$814,171 annually
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\$9,211,206/6 (OMB Nos.) = \$1,535,201.

15. Explain the reasons for any program changes or adjustments.

This is a request for a revision of a previously approved information collection. The collection will now use a new eFile webform system located on the FARA.gov website: <https://www.justice.gov/nsd-fara/fara-efile>.

16. For collections of information whose results will be published, outline plans for tabulations, 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.

Results from this collection will not be published.

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

We are requesting no exemption.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection does/does not contain statistical data.