

§ 5.100

28 CFR Ch. I (7-1-05 Edition)

financially unable to pay the fees in their entirety. An individual seeking to avail himself or herself of this provision shall file with the registration statement a declaration made in compliance with section 1746 of title 28, United States Code, setting forth the information required by Form 4, Federal Rules of Appellate Procedure (28 U.S.C. appendix).

(d) The fees shall be as follows:

(1) For initial registration statements (including an exhibit A for one foreign principal) under § 5.200: \$305.00;

(2) For supplemental registration statements under § 5.203: \$305.00 per foreign principal;

(3) For exhibit A under § 5.201(a)(1): \$305.00 per foreign principal not currently reported under § 5.200 or § 5.203;

(4) For exhibit B under § 5.201(a)(2): no fee;

(5) For exhibits C and D (no forms) under § 5.201: no fee;

(6) For short-form registration statements under § 5.202: no fee;

(7) For amendments under § 5.204: no fee;

(8) For statements of present enforcement intentions under § 5.2: \$96.00 per review request;

(9) For each quarter hour of search time under § 5.601: \$4.00;

(10) For copies of registration statements and supplements, amendments, exhibits thereto, dissemination reports, informational materials, and copies of political propaganda and other materials contained in the public files, under § 5.601: fifty cents (\$.50) per copy of each page of the material requested;

(11) For copies of registration statements and supplements, amendments, exhibits thereto, dissemination reports, informational materials, and copies of political propaganda and other materials contained in the public files, produced by computer, such as tapes or printouts, under § 5.601: actual direct cost of producing the copy, including the apportionable salary costs; and

(12) For computer searches of records through the use of existing programming: Direct actual costs, including the cost of operating a central processing unit for that portion of operating time that is directly attributable

to searching for records responsive to a request and the salary costs apportionable to the search.

(e) The cost of delivery of any document by the Registration Unit by any means other than ordinary mail shall be charged to the requester at a rate sufficient to cover the expense to the Registration Unit.

(f) The Assistant Attorney General is hereby authorized to adjust the fees established by this section from time to time to reflect and recover the costs of the administration of the Registration Unit under the Act.

(g) Fees collected under this provision shall be available for the support of the Registration Unit.

(h) Notwithstanding § 5.3, no document required to be filed under the Act shall be deemed to have been filed unless it is accompanied by the applicable fee except as provided by paragraph (c) of this section.

[Order No. 1757-93, 58 FR 37419, July 12, 1993, as amended by Order No. 2674-2003, 68 FR 33630, June 5, 2003]

§ 5.100 Definition of terms.

(a) As used in this part:

(1) The term *Act* means the Foreign Agents Registration Act of 1938, as amended (22 U.S.C. 611-621).

(2) The term *Attorney General* means the Attorney General of the United States.

(3) The term *Assistant Attorney General* means the Assistant Attorney General in charge of the Criminal Division, Department of Justice, Washington, DC 20530.

(4) The term *Secretary of State* means the Secretary of State of the United States.

(5) The term *Registration Unit* means the Registration Unit, Internal Security Section, Criminal Division, Department of Justice, Washington, DC 20530.

(6) The term *rules and regulations* includes the regulations in this part and all other rules and regulations prescribed by the Attorney General pursuant to the Act and all registration forms and instructions thereon which may be prescribed by the regulations in this part or by the Assistant Attorney General.

Department of Justice

§ 5.201

(7) The term *registrant* means any person who has filed a registration statement with the Registration Unit, pursuant to section 2(a) of the Act and § 5.3.

(8) Unless otherwise specified, the term *agent of a foreign principal* means an agent of a foreign principal required to register under the Act.

(9) The term *foreign principal* includes a person any of whose activities are directed or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal as that term is defined in section 1(b) of the Act.

(10) The term *initial statement* means the statement required to be filed with the Attorney General under section 2(a) of the Act.

(11) The term *supplemental statement* means the supplement required to be filed with the Attorney General under section 2(b) of the Act at intervals of 6 months following the filing of the initial statement.

(12) The term *final statement* means the statement required to be filed with the Attorney General following the termination of the registrant's obligation to register.

(13) The term *short form registration statement* means the registration statement required to be filed by certain partners, officers, directors, associates, employees, and agents of a registrant.

(b) As used in the Act, the term *control* or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.

(c) The term *agency* as used in sections 1(c), 1(o), 3(g), and 4(e) of the Act shall be deemed to refer to every unit in the executive and legislative branches of the Government of the United States, including committees of both Houses of Congress.

(d) The term *official* as used in sections 1(c), 1(o), 3(g), and 4(e) of the Act shall be deemed to include Members and officers of both Houses of Congress as well as officials in the executive branch of the Government of the United States.

(e) The terms *formulating, adopting, or changing*, as used in section 1(o) of the Act, shall be deemed to include any activity which seeks to maintain any existing domestic or foreign policy of the United States. They do not include making a routine inquiry of a Government official or employee concerning a current policy or seeking administrative action in a matter where such policy is not in question.

(f) The term *domestic or foreign policies of the United States*, as used in sections 1 (o) and (p) of the Act, shall be deemed to relate to existing and proposed legislation, or legislative action generally; treaties; executive agreements, proclamations, and orders; decisions relating to or affecting departmental or agency policy, and the like.

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 523-73, 38 FR 18235, July 9, 1973; Order No. 2674-2003, 68 FR 33630, June 5, 2003]

§ 5.200 Registration.

(a) Registration under the Act is accomplished by the filing of an initial statement together with all the exhibits required by § 5.201 and the filing of a supplemental statement at intervals of 6 months for the duration of the principal-agent relationship requiring registration.

(b) The initial statement shall be filed on a form provided by the Registration Unit.

(28 U.S.C. 509 and 510; 5 U.S.C. 301)

[Order No. 376-67, 32 FR 6362, Apr. 22, 1967, as amended by Order No. 960-81, 46 FR 52355, Oct. 27, 1981; Order No. 2674-2003, 68 FR 33630, June 5, 2003]

§ 5.201 Exhibits.

(a) The following described exhibits are required to be filed for each foreign principal of the registrant:

(1) *Exhibit A*. This exhibit, which shall be filed on a form provided by the Registration Unit, shall set forth the information required to be disclosed concerning each foreign principal.

(2) *Exhibit B*. This exhibit, which shall be filed on a form provided by the Registration Unit, shall set forth the agreement or understanding between the registrant and each of his foreign principals as well as the nature and