

the term “political propaganda” wherever it appears in the regulations and substitutes the LDA term, “informational materials.” Finally, the rule makes certain technical amendments to the existing regulations to delete references to other repealed sections of the Act and to enable the Registration Unit to administer the statute more effectively by allowing for electronic filing in the future.

Certifications and Determinations

Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that it will not have a significant economic impact on a substantial number of small entities. The rule primarily affects those persons required to register pursuant to FARA, currently approximately 500 primary registrants and 2,500 individual short form registrants. The rule merely conforms Department regulations to changes made by the LDA and the LDCAA. These acts reduced the number of people who had to file reports with the Department.

Executive Order 12866

This rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department of Justice has determined that it does not constitute “significant regulatory action” under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and accordingly it has not been reviewed by the Office of Management and Budget.

Small Business Regulatory Enforcement Fairness Act of 1996

The Department of Justice certifies that this rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. The rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were

deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988

This regulation meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

Plain Language

We try to write clearly. If you can suggest how to improve the clarity of these regulations, contact Heather H. Hunt, Attorney, Registration Unit, Counterespionage Section, Criminal Division, United States Department of Justice, telephone (202) 514-1216.

List of Subjects in 28 CFR Part 5

Aliens, Foreign relations, Reporting and recordkeeping requirements, Security measures.

■ Accordingly, the Department of Justice amends Part 5 of title 28 of the Code of Federal Regulations, chapter 1, as follows:

PART 5—ADMINISTRATION AND ENFORCEMENT OF FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED

■ 1. The authority citation for Part 5 continues to read as follows:

Authority: 28 U.S.C. 509, 510; Section 1, 56 Stat. 248, 257 (22 U.S.C. 620); title I, Pub. L. 102-395, 106 Stat. 1828, 1831 (22 U.S.C. 612 note).

§ 5.5 [Amended]

■ 2. a. Amend § 5.5 in paragraph (d)(10) by adding the words “informational materials,” following “reports,”.

■ b. Amend § 5.5 in paragraph (d)(11) by adding the words “informational materials,” following “reports,”.

§ 5.100 [Amended]

■ 3. a. Amend § 5.100 in paragraph (c) by removing “1(q),”.

■ b. Amend § 5.100 in paragraph (d) by removing “1(q),”.

§ 5.200 [Amended]

■ 4. Amend § 5.200 in paragraph (b) by removing the words “Form OBD-63”

and adding, in their place, the words “a form provided by the Registration Unit”.

§ 5.201 [Amended]

■ 5. a. Amend § 5.201 in paragraph (a)(1) by removing the words “Form OBD-67” and adding, in their place, the words “a form provided by the Registration Unit”.

■ b. Amend § 5.201 in paragraph (a)(2) by removing the words “Form OBD-65” and adding, in their place, the words “a form provided by the Registration Unit”.

§ 5.202 [Amended]

■ 6. a. Amend § 5.202 in paragraph (b) by adding the word “registrable” before the word “activity”.

■ b. Amend § 5.202 in paragraph (e) by removing the words “Form OBD-66” and adding, in their place, the words “a form provided by the Registration Unit”.

§ 5.203 [Amended]

■ 7. Amend § 5.203 in paragraph (a) by removing the words “Form OBD-64” and adding, in their place, the words “a form provided by the Registration Unit”.

§ 5.204 [Amended]

■ 8. Amend § 5.204 in paragraph (a) by removing the words “Form OBD-68” and adding, in their place, the words “a form provided by the Registration Unit”.

§ 5.205 [Amended]

■ 9. Amend § 5.205 in paragraph (a) by removing the words “OBD-64” and adding, in their place, the words “the supplemental statement form”.

§ 5.206 [Amended]

■ 10. Amend § 5.206 in paragraph (b) by adding the words “,” or if it is filed in an electronic format acceptable to the Registration Unit” following the word “ink”.

■ 11. Revise paragraph (c) of § 5.304 to read as follows:

§ 5.304 Exemptions under section 3(d) and (e) of the Act.

* * * * *

(c) For the purpose of section 3(d)(2) of the Act, a person engaged in political activities on behalf of a foreign corporation, even if owned in whole or in part by a foreign government, will not be serving predominantly a foreign interest where the political activities are directly in furtherance of the bona fide commercial, industrial, or financial operations of the foreign corporation, so long as the political activities are not directed by a foreign government or foreign political party and the political activities do not directly promote the public or political interests of a foreign