

New Changes to Foreign Agents Registration Act Forms and E-File System

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Election and Political Law

Following the Department of Justice's [announcement](#) in March of an initiative to increase enforcement of the Foreign Agents Registration Act ("FARA"), the Department has rolled out a new e-file system for FARA registrations. Notably, the new system only applies to new registrants, although the Department indicated that it will transition existing registrants to the new system in "the coming months."

The changes were announced in a [notice to existing registrants](#). The new system, the Department said, "will allow registrants to submit data through a self-guided, web-based questionnaire, rather than uploading PDFs." Previously, registrants submitted FARA filings by completing PDF forms and uploading the completed forms to the Department's filing system.

There are several notable differences regarding this new system.

- The system now requires that registrants complete an online web-based form. Previously, filers could complete filings and later upload them. The Department has promised to provide templates that can be completed offline, but they are not yet available.
- Registrants must now answer each question on the form. The prior PDF forms permitted registrants to leave answers blank or insert clarifying text. Answering complex questions in the new form may be challenging. For example, the forms offer only yes/no answers to questions concerning a foreign entity's relationship with a government.
- Filers must scan a document containing an actual signature. The PDF forms formerly permitted a filer to click a box that indicated an electronic signature. This new requirement will strengthen the accountability of filers for the submissions, for electronic signatures were sometimes executed by counsel or other authorized party. This may facilitate false statements prosecutions in certain situations, 18 U.S.C. § 1001.

Importantly, the new web-based forms contain new questions. For example, Exhibit B, where registrants provide information about their contracts with foreign principals now asks whether the registrant has engaged in any political activities prior to the date of registration, as well as the previous query on information about prospective political activities on behalf of a foreign principal. Because the Department has not yet provided templates for the new web-based forms, the new questions are only visible once a filer begins the registration process and there is not an opportunity to prepare responses prior to accessing the filing system.

Covington will continue to monitor developments and post updates regarding this new system.

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