



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

September 7, 2022

VIA EMAIL

[Name of Requestor]
[Requestor's address]
[Requestor's email address]

Re: Request for an Advisory Opinion Pursuant to 28 C.F.R. § 5.2

Dear [Sir/Madam]:

This is in reference to your letter dated August 18, 2022 (the "August 18, 2022 Letter"), in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, as to whether you are obligated to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 et seq. ("FARA" or the "Act") for activities you will engage for the [Foreign country] [text redacted] manufacturer, [name of company], in an unpaid internship with this company under the Career Skills Program ("CSP"), which assists in your transition to retirement from the U.S. [military] after 20 years of honorable and distinguished service. As further discussed below, we have determined that, based on the information provided, you do not have an obligation to register under FARA.

In the August 18 letter, you disclose that such activities for [foreign company] involve "office work such as Microsoft Excel use and tracking, digital invoices, Outlook and email correspondence, teleconference, operating display and ordering booths centered on customer service." You further disclose that you will not be paid by [foreign company] because this is an unpaid internship of not to exceed 180 days.

The purpose of FARA is to inform the American public of the activities of foreign agents working for foreign principals to influence U.S. government officials and/or the American public with reference to the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party.

The definition of "foreign principal" contained in FARA includes a "partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country." 22 U.S.C. § 611(b)(3). A person representing a foreign principal is "an agent of a foreign principal" who must register under FARA if it acts "in any . . . capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed,

[Name of requestor]

September 7, 2022

Page 2

controlled, financed, or subsidized in whole or in major part by a foreign principal and who directly or through any other person,” and within the United States:

- (i) engages in political activities for or in the interests of such foreign principal;
- (ii) acts as public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
- (iii) solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or
- (iv) represents the interests of such foreign principal before any agency or official of the Government of the United States.

See 22 U.S.C. § 611(c)(1).

The August 18, 2022 Letter asks whether you would be required to register for engaging in the above-described activities on behalf of [foreign company] through the CSP program. We have determined that you would not be obligated to register under FARA because, in engaging in the above-described activities on behalf of [foreign company], you would not be engaging in any of the registrable activities enumerated above. *See* 22 U.S.C. § 611(c)(1).

Our conclusion is limited to the facts and circumstances outlined in the August 18 Letter and may change should you engage in any of the enumerated activities on behalf of a foreign principal. If that were to occur, you should contact us immediately.

We will treat your submission in accordance with 28 C.F.R. § 5.2(m). Please contact [name redacted] of this Unit at (202) 233-0776, if you have any questions.

Sincerely,

/s/ Jennifer K. Gellie

Jennifer Kennedy Gellie
Chief, FARA Unit