



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

March 27, 2019

By FedEx

[addressee deleted]

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

Dear [name deleted]:

This is in reference to your letters of November 7, 2018, and February 15, 2019, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding the possible obligation of your client, [individual], to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). We are unable to provide an advisory opinion because, as the regulations implementing FARA state, “[a] review request may not involve only past conduct.” 28 C.F.R. § 5.2(b). The information provided in your two letters only involves past conduct.

Please note, however, that a person who engages in speeches at U.S. college and university campuses on behalf of a foreign government may have an obligation to register under FARA if he or she engages in “political activity,” which is defined by the Act as “any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country.” 22 U.S.C. § 611(o). In addition, a person who informs or advises a foreign government about the domestic or foreign policies of the United States may have an obligation to register under FARA as a “political consultant,” which the Act defines as “any person who engages in informing or advising any other person with reference to the domestic or foreign policies of the United States or the political or public interest, policies, or relations of a foreign country or of a foreign political party.” 22 U.S.C. § 611(p).

[name deleted]
March 27, 2019
Page 2

As we are not providing you an advisory opinion in this matter, enclosed please find the check for \$96.00 that you submitted with your request. If you have any questions regarding this request, please contact [name deleted] by telephone at (202) 233-0776.

Sincerely,

Brandon L. Van Grack
Chief, FARA Unit