



U.S. Department of Justice

National Security Division

Washington, DC 20530

May 18, 2012

[addressee deleted]

Re: March 15, 2012 Request for Rule 2 Advisory Opinion

Dear [name deleted]:

This responds to your letter of March 15, 2012, requesting the present enforcement intentions of the Department of Justice concerning your activities on behalf of the [foreign government]. Your request is made pursuant to 28 CFR § 5.2 of the applicable regulations to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (FARA or the Act). Also, you ask if your Rule 2 request is denied that you be exempted from FARA registration because of the national security exemption found in 22 U.S.C. § 613(f).

We received your letter of August 8, 2008, and two letters, dated August 14, 2008, and November 10, 2008, from your attorney [name deleted] of [firm deleted] explaining your then activities for [foreign government] and at that time, based upon the representations of you and [attorney], we determined you had no present obligation to register under FARA. Over three years have elapsed since our Rule 2 decision was made.

We view your letter of March 15, 2012, as a new Rule 2 request and therefore you must supply specific and detailed information as required by 28 CFR § 5.2(e). For our requirements, it is insufficient to reiterate that you are performing the same duties for a new [foreign government] ambassador and refer us to earlier correspondence. We need specific details of your current activities with the [foreign government] and the US executive and legislative branches. If you have a written contract then please supply it or the substance of any oral agreement. The Rule 2 request must be accompanied by a \$96 fee.

The national security exemption found in 22 U.S.C. § 613(f) is not available to you. It is permitted only if the President has, by publication in the Federal Register, designated for the purpose of Section 3(f) the country or countries deemed "vital to the defense of the United States." The pertinent regulation controlling this exemption is 28 CFR § 5.305. [Foreign country] is not so designated, nor has any country been so designated since September 30, 1946, the date on which the President withdrew from consideration all countries previously designated as entitled to the exemption provided by Section 3(f).

If you have any questions about this letter, or if I can be of further assistance, please call me at (202) 233-0777.

Sincerely,

Heather H. Hunt, Chief
Registration Unit
Counterespionage Section