



U.S. Department of Justice

National Security Division

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Counterintelligence and Export Control Section

Washington, DC 20530

August 22, 2024

**Via USPS and E-mail**

[Requestor]

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

Dear [Requestor]:

We write in response to your July 23, 2024, letter (“July 23 Letter”),<sup>1</sup> requesting an advisory opinion, pursuant to 28 C.F.R. § 5.2(a), concerning whether you must register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 et seq. (“FARA”), for accepting an invitation from the [foreign government]<sup>2</sup> to attend an upcoming “[conference]” being held in [foreign country], the purpose of which is “to discuss current issues related to [foreign country].”<sup>3</sup> Based on the representations in the July 23 Letter, and for the reasons discussed below, we have determined that you would not be obligated to register for the proposed activities.

**I. Background**

According to the July 23 Letter, you retired from the U.S. government/military and are currently a journalist who writes “regularly on [text redacted] on a routine basis for a number of years.”<sup>4</sup> At one point in your career you served as “[former U.S. government liaison position] on [text redacted] matters.”<sup>5</sup> The July 23 Letter further indicates that the “[foreign government] is not paying [you] (they are paying for the flights/hotels and for reasonable meals) or giving a stipend to the attending journalists as [you are] aware of, nor pushing [the attending journalists] to write in any manner or direction.”<sup>6</sup> You indicate that you and other journalists will receive briefings and

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<sup>1</sup> Letter from [requestor] to the FARA Unit (July 23, 2024).

<sup>2</sup> [explanation of foreign government office redacted].

<sup>3</sup> July 23 Letter at 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

be able to ask questions of various groups presenting at the conference.<sup>7</sup> According to the July 23 Letter, the conference will be held from [dates redacted].<sup>8</sup>

You ask whether you must register under FARA if you engage in these proposed activities.

## II. FARA Analysis

FARA defines a “foreign principal” as, among other things, “a government of a foreign country and a foreign political party.”<sup>9</sup> Because [foreign government office in the United States] and the [foreign government] “a government of a foreign country” within the meaning of that term under FARA,<sup>10</sup> both [the foreign government U.S. office] and [the foreign government] qualify as foreign principals under FARA.

Under FARA, an “agent of a foreign principal” is defined to include:

(1) any person who acts . . . 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, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person—

(i) engages within the United States in political activities for or in the interests of such foreign principal;<sup>[11]</sup>

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<sup>7</sup> Among the presenters at the conference will be [foreign government officials], as well as representatives from various businesses and organizations in [foreign country].

<sup>8</sup> July 23 Letter at 2.

<sup>9</sup> 22 U.S.C. § 611(b)(1).

<sup>10</sup> The term “government of a foreign country” includes “any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country, other than the United States, or over any part of such country, and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. Such term shall include any faction or body of insurgents within a country assuming to exercise governmental authority whether such faction or body of insurgents has or has not been recognized by the United States.” 22 U.S.C. § 611(e).

<sup>11</sup> The term “political activities” means “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 or a foreign political party.” 22 U.S.C. § 611(o).

(ii) acts within the United States as a public relations counsel,<sup>12</sup> publicity agent,<sup>13</sup> information-service employee<sup>14</sup> or political consultant<sup>15</sup> for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States[.]<sup>16</sup>

You represent in the July 23 Letter that the conference will take place in [foreign country]—not within the United States—and that you were invited to attend the conference as a journalist. You further represent that [foreign government] will not be “pushing [you] to write in any manner or direction.”<sup>17</sup> Accordingly, your planned activities do not appear to be “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, controlled, financed, or subsidized in whole or in major part by a foreign principal.” Therefore, as long as your activities remain as described, and you return to the United States without obligation to [foreign government], you would not qualify as an agent of a foreign principal under FARA, and your activities would not give rise to a requirement to register.

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<sup>12</sup> The term “public-relations counsel” includes “any person who engages directly or indirectly in informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal.” 22 U.S.C. § 611(g).

<sup>13</sup> The term “publicity agent” includes “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise.” 22 U.S.C. § 611(h).

<sup>14</sup> The term “information-service employee” includes “any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country.” 22 U.S.C. § 611(i).

<sup>15</sup> The term “political consultant” means “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).

<sup>16</sup> 22 U.S.C. § 611(c)(1)(i)-(iv).

<sup>17</sup> July 23 Letter at 1.

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This advisory opinion is expressly limited to the facts, conditions, and conclusions stated herein and the requirements of FARA and its regulations. If there are any changes in the facts and circumstances you related to us, you should contact us immediately.

We will treat your submission in accordance with 28 C.F.R. § 5.2(m). Please contact this office by e-mail to [FARA.Public@usdoj.gov](mailto:FARA.Public@usdoj.gov) or by telephone at (202) 233-0776, if you have any questions.

Sincerely,

*/s/ Evan N. Turgeon*

Evan N. Turgeon  
Chief, FARA Unit