



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

July 15, 2024

Via E-mail

[Requestor]

[Address]

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

Dear [Requestor]:

This letter is in response to your letter of June 15, 2024 (“June 15 Letter”), requesting an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding your possible obligation to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or “the Act”), for activities in the United States which you have performed and expect to undertake on behalf of [foreign politician] and the [foreign] political party of [foreign country]. Based on our review of your request, we have determined that you are required to register under FARA for having engaged in, and intending to engage in, certain activities, as described below.

I. **Background**

In the June 15 Letter, you informed us that [redacted] is a political party in [foreign country] and that [foreign politician] is the party’s sole elected leader at the national level.¹ You indicated that on a trip to [foreign country] you were “curious to learn more about their political process, [and you] researched the country’s political parties and sent an email to the party that seemed to best represent [your] ideological leanings, [foreign political party].”² You informed us that you then met with [foreign politician] of [foreign political party], and his translator, [foreign person], and at this meeting they informed you that “they were planning a fact-finding trip to Washington, DC and asked if [you] could help them get some meetings with high-profile individuals, including members of Congress whom [you are] personally acquainted with.”³ You stated, “They expressed a desire to use these meetings to learn more about how to advance the ideologies they shared with these members and to personally invite them to [foreign country].”⁴ You responded that you “would be interested in helping them get meetings with both the members of Congress and the

¹ June 15 Letter at 1.

² *Id.*

³ *Id.*

⁴ *Id.*

other private citizens and organizations they requested who were also [your] acquaintances[.]”⁵ You further indicated that, “[t]here was no discussion of any kind of payment for this help, nor did [you] request any compensation. So far, [you] have not made any request for a meeting with any member of Congress, but [you have] made inquiries with the other individuals and organizations.”⁶ [You are] delaying contacting any elected official until [you] receive [our] advisory opinion.”⁷ You seek a determination as to whether you would be required to register under FARA in connection with these activities.

II. FARA Analysis

FARA’s definition of a “foreign principal” includes, among other things, a “person outside of the United States,” as well as “a foreign political party.”⁸ [Foreign politician] is a citizen and resident of [foreign country] and thus is a person outside the United States who qualifies as a foreign principal under FARA. Because [foreign political party] is a foreign political party, it also qualifies as a foreign principal 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,⁹ 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, within the United States, directly or through any other person:

- (i) engages in political activities for or in the interests of the foreign principal; [or]
- (ii) acts as a public relations counsel . . . for or in the interests of such foreign principal[.]

FARA defines the term “political activities” 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

⁵ *Id.*

⁶ The June 15 Letter references a vacation trip to [foreign country] by the requestor in March and April (presumably 2024) and thus it can be inferred that the requestor has returned to the United States and has engaged in activities here.

⁷ *Id.*

⁸ *See* 22 U.S.C. § 611(b)(1), (2).

⁹ *See* 28 C.F.R. § 5.100(b) (“As used in the Act, the term *control* or any of its variants shall be deemed to include the possession or the exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.”).

reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.”¹⁰ FARA further defines the term “public-relations counsel” as “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.”¹¹

You disclosed that you agreed to [foreign politician’s] request that you arrange meetings in Washington, D.C., between [foreign politician] and [foreign person] and members of Congress, various private citizens, and organizations with which you are acquainted. Accordingly, you have established an agency relationship with a foreign principal under the Act in that you would be acting at request of [foreign politician].¹²

Your activities, both completed and anticipated, would require registration under FARA. According to your submission, you have already reached out to U.S. citizens and organizations to set up meetings with [foreign politician] so that he can seek to advance their shared ideologies and can extend personal invitations to travel to [foreign country]. You note that you plan to contact members of Congress to set up similar meetings. These activities qualify as “political activities” under the Act because they are intended to influence members of the U.S. public and U.S. government officials with reference to the political or public interests, policies, or relations of a foreign political party, [foreign political party]. These activities also qualify you as a “public relations counsel” on behalf of [foreign politician] and [foreign political party] because they constitute informing, advising, and representing [foreign politician] and [foreign political party], both foreign principals, in public relations pertaining to the political or public interests, policies, or relations of such principals.

Because you have already engaged in the some of the above-described activities and contemplate engaging in other activities of the same nature, please complete your registration within 30 days of your receipt of this letter.¹³

Useful information and forms may be obtained on the FARA Unit’s website, located at <https://www.justice.gov/nsd-fara>. If you have any questions regarding this matter, please contact the FARA Unit by e-mail at FARA.Public@usdoj.gov or by telephone at (202) 233-0776.

Sincerely,

/s/ Evan N. Turgeon

¹⁰ 22 U.S.C. § 611(o).

¹¹ 22 U.S.C. § 611(g).

¹² See *Att’y Gen. of U.S. v. Irish N. Aid Comm.*, 668 F.2d 159, 161 (2d Cir. 1982) (considering, in assessing agency, whether “those ‘requested’ are in some way authorized to act for or to represent the foreign principal”).

¹³ 22 U.S.C. § 612(a).

[Requestor]
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Evan N. Turgeon
Chief, FARA Unit