



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

May 10, 2024

Via E-mail

[Requestor]
[Foreign Address]

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

Dear [Requestor]:

We write in response to your February 15, 2024, letter¹ (the “Letter”), as supplemented on April 10, 2024 (the “Supplement”),² 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 any volunteer lobbying of Congress you may undertake on behalf of a U.S. non-governmental organization, [U.S. Entity]. Based on the representations in your Letter and Supplement, 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 Letter and Supplement, you are a citizen and resident of [Foreign Country] who volunteers remotely for the [U.S. Entity], a non-governmental organization organized under the laws of the United States with a principal place of business in [City, State]. The Letter indicates that [U.S. Entity] advocates for policy changes it believes will enhance and accelerate the American space economy. You indicate that you support this mission, including the advancement of American developments in space ahead of competitor countries, and wish to lobby Congress in a volunteer capacity on [U.S. Entity]’s behalf to advocate for the sought policy changes.

According to the Letter, you ask whether you must register under FARA if you engage in these proposed activities.³

¹ Letter from [Foreign Individual] to the FARA Unit (Feb. 15, 2024).

² E-mail from [Foreign Individual] to the FARA Unit (Apr. 10, 2024).

³ You also ask about any U.S. government disclosures in addition to FARA that may be required and for law firm recommendations. However, FARA Unit advisory opinions address only whether “any presently contemplated activity, course of conduct, expenditure, receipt of money or thing of value, or transaction . . . requires registration and disclosure pursuant to the Act, or is excluded from coverage or exempted from registration and disclosure under any provision of the Act.” 28 C.F.R. § 5.2(a).

II. FARA Analysis

FARA defines “foreign principal” to include the following:

- (1) a government of a foreign country and a foreign political party;
- (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
- (3) 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.⁴

Persons may be required to register under FARA if they have the requisite agency relationship with a foreign principal and engage in one of the enumerated activities triggering registration.⁵

Pursuant to the Letter and Supplement, [U.S. Entity] is a domestic organization based in [State].⁶ As such, it would not constitute a “foreign principal” under FARA. Your lobbying on its behalf therefore would not lead to an obligation to register.

In the Letter, you also reference yourself as a potential foreign principal given that you are a citizen and resident of [Foreign Country]. However, based on the facts you provided, [U.S. Entity] would not be your agent under FARA because it would not be acting at your order, request, or under your direction or control.⁷ And although a person can be both a “foreign principal” and an “agent of a foreign principal” as defined by FARA, the information in the Letter and Supplement does not provide a basis for concluding that you would fall within both of these categories; the individual volunteering you describe appears intended only to advance [U.S. Entity]’s interests and therefore would not give rise to a requirement to register under FARA.⁸

This advisory opinion is expressly limited to the facts, conditions, and conclusions stated herein,

⁴ 22 U.S.C. § 611(b).

⁵ 22 U.S.C. § 611(c)(1).

⁶ Letter; Supplement.

⁷ See 22 U.S.C. § 611(c)(1).

⁸ See 22 U.S.C. § 611(c)(1)(i) (including in the definition of “agent of a foreign principal” any person who, among other things, “engages within the United States in political activities for or in the interests of such foreign principal”).

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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.

Additional questions that you have raised are outside the scope of the jurisdiction of the FARA Unit.⁹ Information regarding registration requirements for lobbying Congress is available from the U.S. Senate and House.¹⁰

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 or by telephone at (202) 233-0776, if you have any questions.

Sincerely,

/s/ Evan N. Turgeon

Evan N. Turgeon
Chief, FARA Unit

⁹ *See supra* note 3.

¹⁰ Senate Office of Public Records, *Lobbying Disclosure Act*, https://www.senate.gov/pagelayout/legislative/g_three_sections_with_teasers/lobbyingdisc.htm (last visited Apr. 15, 2024); U.S. House of Representatives Office of the Clerk, *Contact Us*, https://lobbyingdisclosure.house.gov/contact_home.html (last visited Apr. 15, 2024).