U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section *Washington, DC 20530*

August 27, 2025

Via FedEx

[Requestor]
[U.S. LLC]
[Address]

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

Dear [Requestor]:

We write in response to your letter received on July 29, 2025 (the "Letter"),[1] requesting an advisory opinion, pursuant to 28 C.F.R. § 5.2, on whether you must register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. §§ 611-21 ("FARA"), for your proposed role as an advisor to the [Foreign Country government] ("[Foreign Country]"). Based on the representations in your Letter, and for the reasons discussed below, we have determined that you are not obligated to register if you engage in the proposed activities.

Background

According to the Letter, you are the owner and sole employee of [U.S. LLC], a limited liability company registered in Virginia.[2] You report having previously worked with a U.S. nonprofit organization on improving [Foreign Country's] "national security architecture."[3] This included the development of "supporting frameworks and legislation" and the drafting of a comprehensive national security strategy.[4] The country's major identified security threats are adaptation to [a climate-change effect], addressing transnational organized crime, and problematic investments from a nation-state other than the United States.[5] The U.S. State Department funded the U.S.

[1] Letter from [Requestor] to the FARA Unit (July 21, 2025) (received on July 29, 2025).

[2] *Id.* at 1.

[3] *Id.*

[4] *Id.*

[5] *Id.*

nonprofit organization's work for [Foreign Country].[6]

As a result of this previous work and contacts made during its performance, the [Foreign Country's] [foreign affairs minister] has approached you regarding the possibility of serving as a national security advisor.[7] While you report no official correspondence or contract with terms or conditions, you understand some parameters for the potential scope of work.[8]

Should the advisor role be agreed to, you would provide technical advice to the [Foreign Country] "on matters related to developing procedures, policies, and practices to establish their national security offices, advance their capabilities, and offer advice on implementing their National Security Strategy and security sector reform."[9] The work would not involve any of the following activities on behalf of the [Foreign Country]: lobbying the United States government, representing to the United States government, or acting as a representative "in any capacity."[10]

You request an advisory opinion on whether your potential work as an advisor to the [Foreign Country] requires registration under FARA.[11]

FARA Analysis

FARA is designed "to protect the national defense, internal security, and foreign relations of the United States by requiring public disclosure by persons engaging in [certain] activities for or on behalf of foreign governments, foreign political parties, and other foreign principals so that the Government and the people of the United States may be informed of the identity of such persons and may appraise their statements and actions in light of their associations and activities."[12]

Whether a person is required to register under FARA principally involves four determinations: (1) the existence of a foreign principal; (2) the nature of the relationship between the person and the foreign principal; (3) whether the person is engaging in specified activities within the United States for or in the interests of such foreign principal; and (4) whether an exemption applies. An

[6] *Id.*

[7] *Id.* at 2.

[8] *Id.*

[9] *Id.*

[10] *Id.*

[11] "Any present or prospective agent of a foreign principal . . . may request . . . a statement of the present enforcement intentions of the Department of Justice under the Act with respect to any presently contemplated activity . . . ." 28 C.F.R. § 5.2(a). Review requests "contain in detail all relevant and material information bearing on the actual activity, course of conduct, . . . or transaction for which review is requested." *Id.* § 5.2(e).

[12] 22 U.S.C. § 611 Note on Policy and Purpose of Subchapter.

obligation to register under FARA will arise when the first three parts of the inquiry are established, and no exemption applies in the fourth part.

FARA defines a "foreign principal" as, among other things, "a government of a foreign country."[13] The [Foreign Country] is such a government and accordingly qualifies as a foreign principal under FARA.

As to the nature of the relationship, the ways that agency can arise under FARA include when a person acts "as an agent, representative, employee, or servant" or otherwise "at the order, request, or under the direction or control, of a foreign principal" in covered activities.[14] Here, [Foreign Country] is proposing to take you on as an advisor and, as a result, you will be an "agent" and acting under its direction or control within the scope of § 611(c)(1).[15] You accordingly would have the requisite agency relationship with a foreign principal.

Turning to which activities require registration, those include when a person:

> (i) engages in political activities for or in the interests of [their] foreign principal;
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> (ii) acts as a public relations counsel,[16] publicity agent,[17] information-service employee[18] or political consultant[19] for or in the interests of [their] foreign principal;

[13] 22 U.S.C. § 611(b)(1).

[14] 22 U.S.C. § 611(c)(1); *see also* 22 U.S.C. § 611(c)(2).

[15] Letter at 1.

[16] 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).

[17] 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).

[18] 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).

[19] 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).

> (iii) solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of [their] foreign principal; or
>
> (iv) represents the interests of such foreign principal before any agency or official of the Government of the United States.[20]

Based on your representations, it does not appear that you will be engaging in any of the above-referenced registrable activities enumerated in FARA.[21] The advisory role you propose to undertake would not meet FARA's definition of "political activities," the first category of registrable activities, because it is not intended to influence any U.S. agency or official or any section of the U.S. public.[22]

For similar reasons, you also would not appear to be serving as a "political consultant" as defined by FARA.[23] The planned advice you describe does not involve engagement strategies with the U.S. government or issues particularly focused on the United States.[24] Rather, you would be helping the [Foreign Country] establish its own capabilities, including "developing policies, procedures, and practices to establish their national security offices" and implementing "security sector reforms."[25] Registration is not required for providing advice solely concerning the internal governing structures of another country. Moreover, the national security strategy topics on which you will advise center on threats the country faces within its own territory such as [a climate-change effect], trafficking in persons and drugs by organized crime, and concerning investments from a nation-state other than the United States.[26] Again, these topics are not particularly focused on the United States or potential changes to U.S. policy. So long as you do not advise [Foreign Country] regarding how to engage with the United States or on topics more directly related to U.S. programs or policies, the course of conduct you propose would not qualify you as a "political consultant" under FARA.[27]

Your proposed role would not involve any of the other categories of registrable activities either.

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[20] 22 U.S.C. § 611(c)(1)(i)-(iv).

[21] Letter.

[22] 22 U.S.C. § 611(c)(1)(i), (o).

[23] 22 U.S.C. § 611(o).

[24] Letter at 2.

[25] *Id.*

[26] Letter at 1.

[27] 22 U.S.C. § 611(p).

Providing the national security advice you describe would not be acting as a "public relations counsel," "publicity agent," or "information-service employee," as those terms are defined in FARA.[28] There is no indication that the role would involve soliciting, receiving, or providing things of value for or in [Foreign Country's] interest.[29] And you would not be representing [Foreign Country's] interests before U.S. government officials or agencies.[30] You accordingly would not be engaging in any of the activities enumerated in 22 U.S.C. § 611(c)(1)(i)-(iv).

Consequently, you would not be acting as an "agent of a foreign principal" if you accept the proposed advisor role and would not have to register under FARA so long as your activities are limited to those described in your advisory opinion request and consistent with this opinion.

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, please contact us.

We will treat your submission as confidential 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

[28] 22 U.S.C. § 611(c)(1)(ii), (g)-(i).

[29] 22 U.S.C. § 611(c)(1)(iii).

[30] 22 U.S.C. § 611(c)(1)(iv).