



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

November 24, 2015

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This is in reference to your letter of October 23, 2015, as well as to our meeting of November 18, 2015, regarding the possible obligation or exemption of the [US foundation], under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (FARA or the Act).

Based on the information provided in your letter and in the meeting, we have considered further the issue of [US foundation]'s obligation or exemption under FARA. It is our position that [US foundation] is an "agent of a foreign principal" as defined in Section 611(c) (iii) of FARA inasmuch as it "disburses ... money, or other things of value" within the United States pursuant to the grant agreement and any associated understandings with the Government of [foreign country]. While we consider [US foundation] to be an "agent of a foreign principal," the Department will not contest [US foundation]'s claim for an exemption under Section 613(e), so long as the activities of [US foundation] are limited to activities "in furtherance of the bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts." As long as the activities are limited to activities under 611 (c) (iii) and are conducted only "in furtherance of the bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts," and do not involve "political activity" as defined in Section 611(o) of the Act, [US foundation] is exempt from registration pursuant to Section 613(e).

Please note that the question of obligation or exemption must be revisited if the nature of the relationship or activity changes in any way. If the nature of the relationship or activities changes, please be advised that it may be necessary for [US foundation] to contact this office to seek an advisory opinion.

If you have any questions, please do not hesitate to contact me at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
Registration Unit