



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

July 12, 2016

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This is in response to your letter of April 18, 2016, which followed our meeting of March 15, 2016, during which we discussed the possible obligation of your client, the [foundation] (“the Foundation”) to register under the Foreign Agents Registration Act, 22 U.S.C. § 611 *et seq.* (FARA or the Act) for its activities in connection with the restoration and operation of the museum [text deleted]. After reviewing the matter, we believe that the Foundation must register under FARA. Although the Foundation's activities, especially with respect to the museum, could implicate a possible exemption pursuant to Section 3(e) of the Act, 22 U.S.C. § 613(e), the Foundation’s activities do not appear to be limited to the activities described in the exemption, and therefore, the Foundation is not exempt from registration under FARA.

As noted in your letter of April 18, 2016, the Foundation is considered a quasi-government arm of the [foreign government]. Although it is not a part of the [foreign ministry], as the embassies and consulates of the [foreign government] are, the Foundation still performs services for and takes direction from a ministry of the [foreign government]. The Foundation’s employees are [foreign country] nationals who are in the United States on L-1 or E-2 visas. Among the activities that the Foundation will be conducting will be exhibits at the museum [text deleted] (“the Museum”). According to your letter, the Museum will display the history of diplomatic relations between the United States and [foreign country] governments and aim to educate the American public about the strong bonds that have existed between the two nations. You have informed us that there will also be exhibits that concern the [text deleted]. You also noted in your letter that the Foundation will seek to recover and return to the [foreign government], through purchase, historically important and valuable items [text deleted].

FARA is a disclosure statute which requires persons in the United States who are acting as agents of foreign principals, and engaged in certain specified activities, to make periodic public disclosure of their relationship with the foreign principal, as well as disclosure of activities, receipts, and disbursements in support of those activities. The purpose of the Act is to ensure that the American public and its lawmakers know the source of certain information intended to sway U.S. public opinion, policy, and laws, thereby facilitating informed evaluation of that information by the government and the American people.

The term “foreign principal” under the Act includes the government of a foreign country and its agencies to which authorities or functions have been delegated. 22 U.S.C. § 611(b)(1) and (e). An “agent of a foreign principal” under the Section 1(c) of the Act is defined as any person who acts at the order, request, or under the direction or control of a foreign principal and who directly or through another person engages within the United States in certain specified activities enumerated in Section 1(c) in the interests of the foreign principal. 22 U.S.C. § 611(c).

Agents of foreign principals are required to register under the Act if they engage in political activities on behalf of the foreign principal. The term “political activities” in FARA means “any activity 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 foreign country or foreign political party.” 22 U.S.C. § 611(o).

A significant number of the activities in which the Foundation is considering engaging in could be considered to be activities “in furtherance of bona fide religious, scholastic, academic, or scientific, or of the fine arts,” as outlined in Section 3(e) of the Act. However, the statute limits the exemption to persons “engaging or agreeing to engage only” in those activities to qualify for the exemption. 22 U.S.C. 613(e). To the extent that the Foundation would be engaging solely in activities considered exempt, it could be considered to be exempt from registration requirements. The facts outlined in your April 18, 2016, letter and our meeting of March 15, 2016, however, indicates that the Foundation will be engaging in a wider array of activities and should register.

Registration is accomplished through FARA eFile found on the FARA website at <http://www.fara.gov>. If you have any questions, please contact [name deleted] or me at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
Registration Unit