



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

June 29, 2017

[addressee deleted]

Re: Rule 2 Request - [text deleted]

Dear [name deleted]:

We write in response to your letter of June 12, 2017, in which you request an opinion pursuant to 28 C.F.R. § 5.2(a) with respect to the registration status of your client, [foreign individual], pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or “Act”). Specifically, you have asked that registration materials provided to the Department of Justice in connection with activities undertaken by [foreign individual] as an agent of a foreign principal, be exempt from public disclosure. Based upon the representations made in your letter, we are not able to provide the waiver you have requested.

Based on your letter, we understand the facts of the contemplated activities to be as follows. [Foreign person], a dual citizen of [foreign country 1] and [foreign country 2], intends to act as an agent in the United States and to hire a consulting firm in the United States in support of [foreign individual-2], former [foreign government official] and now in opposition to the current [foreign government]. [foreign individual-2] wishes to position [himself/herself] as a challenger to the [current foreign government leader], at the expiration of [current foreign leader's] term in [year], or sooner, if [text deleted]. [Foreign individual] intends to identify and engage an outside firm to engage in lobbying in the United States with the goal, among other things, of requesting the United States or independent election monitors to ensure the integrity of the elections in [foreign country]. The anticipated retainer for the outside firm is anticipated to be [dollar figure] per month plus actual expenses. It is not clear from your letter, who would be paying the retainer. You have indicated that the publicity effort on behalf of [foreign individual-2] would be limited exclusively to meetings with U.S. government officials.

Your letter also articulated a concern for the physical safety of [foreign individual] and [foreign individual-2] and [his/her] family because of their political views concerning [foreign country] and because [foreign individual-2] stands in opposition to the [current foreign government]. Because of these concerns, you have asked that registration materials filed in connection with the above-mentioned activities, be exempt from public disclosure. This request is contrary to the central purpose of FARA and we regret that it cannot be accommodated.

When FARA was amended in 1966, resulting in the modern version of the Act, Senator J. William Fulbright, summarized the focus of the revised Act as follows:

The act is intended to protect the interests of the United States by requiring complete disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of such persons and so be better able to appraise them and the purposes for which they act. (Emphasis added.)

S. Rep. 89-143, at 1 (1966).

Indeed, the Act, at 22 U.S.C. § 612(a), requires registrants to furnish detailed information about themselves and their foreign principals. Registrants are required to provide to the Department of Justice, complete and detailed information about each registrant and foreign principal, to include names and addresses of natural persons, and statements of ownership and control of each registrant and foreign principal, if not natural persons. If a foreign principal is supervised, directed, owned, controlled, financed, or subsidized, by any foreign government or foreign political party, then that information must also be disclosed to the Department of Justice. Foreign political parties are foreign principals subject to disclosure.¹

The exemption outlined in the Act at 22 U.S.C. § 612(f), is not applicable in this situation. That exemption was added to FARA specifically for the purpose of exempting agents of foreign principals from being required to provide unnecessary information. S. Rep. 89-143, at 10-11 (1966). Identification of foreign principals and agents of foreign principals are clearly necessary to carry out the purposes of FARA.

While the Department cannot exempt your client from disclosure of [his/her] activities and identification of his foreign principal, the Department, consistent with its obligation to facilitate the disclosure of information about foreign agents acting in the United States and concurrent obligation to protect personally identifiable information from unneeded public disclosure, can redact such personally identifiable information from publication on the FARA website upon receipt of a letter from the registrant (or counsel) requesting that such personally identifiable information be redacted, while maintaining the information required by the statute to be provided in its files. Thus, the Department can redact home addresses from public disclosure on the FARA website. It cannot redact the names of agents and foreign principals. If this is not suitable to the needs of your client, we can only recommend that your client not engage in the contemplated activity, thereby obviating the need to register under FARA.

¹ If [foreign individual-2] is affiliated with a political party in [foreign country], and your client and the consulting firm are working under the direction and control of the political party, as opposed to [foreign individual-2] as an individual candidate, then the political party would be the foreign principal.

We will treat your submission in accordance with 28 C.F.R. § 5.2(m). Please contact [FARA Unit Attorney] or me by telephone at 202-233-0776, if you have any questions.

Sincerely,

Heather H. Hunt, Chief
Registration Unit