



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

February 7, 2018

[addressee deleted]

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

Dear [name deleted]:

We write in response to your letter of January 4, 2018, in which you request an opinion pursuant to 28 C.F.R. § 5.2(a) with respect to your registration obligations under Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based upon the representations made in your letter, the role description, and employment contract you have entered into with [US company], we have determined that you do not have an obligation to register under FARA.

According to your submission, you have accepted an offer of employment from [US company] to provide consulting services to the [foreign government] in the formation of an [foreign government agency]. Your employment with [US company] is intended to have a duration of one year. You are expecting to provide advice on best governance practices for an [foreign government agency]; suggesting focus on certain technologies; and working with private industry in [foreign country] on an economic development plan for the [foreign country] industry. You expect your work to involve providing introductions and to support meetings involving world government [industry] organizations, which would include [US government agency] and the U.S. Department of Defense. You have clarified that you expect the meetings to focus on the commercial aspects of the [industry], and that you will have no role in seeking to influence U.S. Government policies.

Generally speaking, a party is an “agent of a foreign principal” who must register under FARA if it acts “at the order, request, or under the direction or control of a foreign principal” and engages in one of the following activities:

- (i) engages within the United States in political activities for or in the interests of such foreign principal;
- (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
- (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

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(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States[.]

22 U.S.C. § 611(c).

The two considerations most relevant to our determination that you do not have an obligation to register are (1) that you will be acting almost exclusively outside the United States for the duration of your employment contract and (2) you will not be engaging in any of the activities outlined above in § 611(c).¹ Because of these considerations, your activities as presented in your letter and supporting documentation fall outside the purview of FARA.

Accordingly, we have determined that you do not have an obligation to register under FARA because of your employment with [US company]. Our determination is limited to the particular facts you have represented in your January 4, 2018, letter, role description, and employment contract attached thereto. Therefore, if any of the facts with respect to activities undertaken by you depart in any way from those described in your letter and documentation, please notify this office, as your registration status may change.

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

Sincerely,

Heather H. Hunt, Chief
FARA Registration Unit

¹ The term “political activities” is defined in the Act at 22 U.S.C. § 611(o). The terms “public-relations counsel,” “publicity agent,” and “information-services employee” are defined in the Act at 22 U.S.C. § 611(g)-(i).