



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

August 31, 2015

[addressee deleted]

Re: Request for Opinion

Dear [name deleted]:

We write in reference to your letter dated June 30, 2015, requesting a Rule 2 advisory opinion regarding your possible obligation to register pursuant to the Foreign Agents Registration Act of 1938, 22 U.S.C. §611 *et seq.* (“FARA” or “the Act”), in connection with your proposed activities on behalf of [naturalized US citizen]. Based upon public source information and your letter, we find that [US firm] is obligated to register under the Act as an agent of [naturalized US citizen] and [foreign political party].

You indicated in your letter that [name deleted] is a naturalized United States citizen as well as a citizen of [foreign country], and that [name deleted] is a candidate for the Presidency of [foreign country]. The elections in [foreign country] are scheduled to take place in 2016. As part of your letter, you provided a profile of [foreign country] which identified the [text deleted] major political parties in the country. We have learned from public source information that [name deleted] is associated with [foreign political party], one of the [text deleted] parties referenced in your letter. We further understand from your letter that you are considering holding a fundraiser for [name deleted] for the purpose of financially supporting [name deleted]’s campaign to become the President of [foreign country] as the [foreign political party]’s candidate.

The term “foreign principal,” as defined in Section 1(b) of the Act, 22 U.S.C. §611(b), includes not only persons outside the United States and foreign governments, but also foreign political parties. A foreign political party is defined as:

“any organization or other combination of individuals in a country other than the United States, or any unit or any branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision;”
22 U.S.C. § 611(f).

We have determined that [name deleted] is a “foreign principal” because of his status as a candidate for office in [foreign country] on behalf of a political party in [foreign country]. Although [name deleted] owns a home in the United States “when he is not campaigning,” he is still a “foreign principal,” under Section 1(b) of the Act, 22 U.S.C. § 611(b), because of his candidacy for President of [foreign country], a position which would involve his acting outside the United States to further the national interests of [foreign government].

Your proposed activity, that is, holding a fundraiser on behalf of [name deleted], would make [US firm] an “agent of a foreign principal.” The term “agent of a foreign principal” as defined in Section 1(c) of the Act, 22 U.S.C. § 611(c), means -

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person-

* * *

(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;

Therefore, after careful consideration of your letter and your representations of the proposed activity, we have determined that holding a fundraiser in the United States in furtherance of [name deleted]’s candidacy is an activity which would require [US firm] to register pursuant to Section 2(a) of the Act, 22 U.S.C. § 612(a). Please note that merely contributing funds to the campaign would not, in and of itself, cause the contributors to be sub-registrants of your firm. [US firm]’s activities in support of [name deleted]’s candidacy for President of [foreign country], namely, the solicitation and collection of funds, would give [US firm] the status of “agent of a foreign principal” under Section 1(c) of the Act. 22 U.S.C. § 611(c). Consequently, you should register under FARA as an agent of [name deleted] and the [foreign political party].

Please note that Rule 201(e), promulgated under the Act, states that “whenever a registrant within the United States receives or collects contributions, loans, money, or other things of value, as part of a fund-raising campaign, for or in the interests of his foreign principal, he shall file as Exhibit D a statement so captioned setting forth the amount of money or the value of the thing received or collected, the names and addresses of the persons from whom such money or thing of value was received or collected, and the amount of money or a description of the thing of value transmitted to the foreign principal as well as the manner and time of such transmission.” 28 C.F.R. § 5.201(e). The Exhibit D should: (1) report the total amount of monies or thing of value collected, (2) set forth an account of individual contributions in the amount of \$50.00 or more, (3) provide a statement explaining that the remainder of the monies collected were individual contributions of less than \$50.00, and (4) report the amount of money or a description of the thing of value transmitted to the foreign principal, and the manner and time of such transmission. Please note that no printed form is provided for this Exhibit D.

Registration is accomplished through FARA efile found on the FARA website at <http://www.fara.gov>. If you have any questions concerning this opinion, please contact [name deleted], and for specific questions regarding FARA efile, please contact [name deleted]. Both may be reached at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
Registration Unit