



**U.S. Department of Justice**

National Security Division

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Washington, DC 20530

November 8, 2012

[addressee deleted]

Re: Rule 2 Request for the [text deleted]

Dear [name deleted]:

This will acknowledge receipt of your letter, dated August 8, 2012. You request an opinion pursuant to 28 C.F.R. § 5.2 regarding the possible obligation of the [US organization] to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (FARA or the Act). We find that the [US organization] will be obligated to register under FARA if, on the behalf of [foreign government ministry], if it engages in the activities proposed in your letter. The Act specifies that every person who becomes an agent of a foreign principal shall file a registration with the Attorney General within 10 days of becoming an agent.

You indicated in your letter that the [US organization] is a corporation that is exempt from federal taxation under 26 U.S.C. § 501(c)(3). Please note that the federal tax exemption does not relieve an agent from registration under FARA. An agent of a foreign principal who engages in political activity in the United States for or in the interests of the foreign principal must, unless otherwise exempt, register under the Act.

The [foreign government ministry] is a foreign principal as that term is defined in 22 U.S.C. § 611(b)(1) of the Act. An agent of a foreign principal is defined in relevant part under 22 U.S.C. § 611(c) as “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; (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 ....”

Political activity is defined in 22 U.S.C. § 611(o) as conduct engaged in to influence any U.S. government agency, government official or member of the public with reference to formulating, adopting or changing the foreign or domestic policies of the United States, or with reference to the political or public interests, policies or relations of a foreign country. In addition, the term political consultant is defined in 22 U.S.C. § 611(p) of the Act as “... any person who engages in informing or advising any other person with reference to the domestic or foreign

policies of the United States or the political or public interest, policies, or relations of a foreign country or of a foreign political party.”

According to your letter, your client proposes to represent the [foreign government ministry] within the United States by (1) convening panels of former senior government officials, analysts from think-tanks and educational facilities, knowledgeable corporate figures, and [foreign government] officials to discuss issues of interest to the [foreign government]; (2) hosting [foreign government] officials in Washington to present their views on [foreign government] issues; (3) training interns and introducing them to the policy community in Washington; (4) working with the [foreign government] embassy in Washington about important issues such as the [text deleted]; and (5) conducting educational workshops throughout the United States on [foreign country] issues. You further stated that the [US organization] has been educating American policymakers, opinion leaders, educators, and citizens about America’s interests and friends in the [region of the world] for over thirty years.

The purpose of FARA is to provide public disclosure of the political activities of foreign agents conducted on behalf of foreign principals. Based on the representations in your letter, we have determined that the proposed activities constitute political activities and political consultancy under the Act. Accordingly, if the [US organization] engages in the proposed activities, the [US organization] must register under FARA on the behalf of [foreign government].

If you have any questions, please contact me at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief  
Registration Unit  
Counterespionage Section