



U.S. Department of Justice

National Security Division

Washington, DC 20530

January 7, 2015

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This is in reference to your letters of September 18, 2013, and September 16, 2014, requesting clarification as to whether your client, [foreign national], is/was required to register with the Department of Justice pursuant to the Foreign Agents Registration Act, as amended, 22 U.S.C. § 611 *et seq.* (FARA) or 50 U.S.C. § 851 *et seq.*, or to notify the Department pursuant to 18 U.S.C. § 951.

FARA is a disclosure statute that requires persons acting as agents of foreign principals in a political or quasi-political capacity to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities. Based on the representations in your letter, [foreign national] is not considered an "agent of a foreign principal" as set forth in Section 1 (c) of FARA, in as much as [his/her] activities are not among those enumerated in 22 U.S.C. § 611(c)(i)- (iv). Accordingly, registration under 22 U.S.C § 611 *et seq.* is not required.

We have reviewed the information provided in your correspondence and supplemental materials. Based on the information and on the assertions that [foreign national] has no knowledge of and has not received instruction in espionage, counterespionage or sabotage service or tactics of a foreign government or foreign political party, the Department has determined that there is insufficient evidence at this time to require [foreign national] to register pursuant to 50 U.S.C. § 851.

The Department does not render advisory opinions or statements of enforcement posture under 18 U.S.C. § 951, and so we express no opinion on the reach of that statute. We do note the existence, however, of the following exclusions from the definition of agent of a foreign government: (1) a duly accredited diplomatic or consular officer of a foreign government, who is so recognized by the Department of State; (2) any officially and publicly acknowledged and sponsored official or representative of a foreign government; (3) any officially and publicly acknowledged and sponsored member of the staff of, or employee of, an officer, official, or representative described in paragraph (1) or (2), who is not a United States citizen; or (4) any person engaged in a legal commercial transaction.

This opinion is based on the facts as represented and the information available at the time of this opinion. If the information concerning [foreign national] should change in any way, or additional facts arise, we may reexamine whether he has an obligation to register.

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

Sincerely,

Heather H. Hunt, Chief
Registration Unit
Counterespionage Section