



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

September 7, 2018

By FedEx

[addressee deleted]

Re: Advisory Opinion pursuant to 28 C.F.R. §5.2 concerning Application of the Foreign Agents Registration Act

Dear [name deleted]:

This is in reference to your letter of July 30, 2018, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding the possible obligation of your firm, [US law firm], to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”).

As you know, the purpose of FARA is to inform the American public of the activities of foreign agents working for foreign principals to influence U.S. government officials and/or the American public with reference to the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party. The term “foreign principal” includes “a government of a foreign country and a foreign political party, any person outside the United States. . . , and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b). Further, 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 within the United States in one of the following activities:

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

You state that [US law firm] is an international law firm that advises clients on [text deleted]. [US law firm] has been approached concerning a potential engagement with the [foreign government ministry] to conduct an analysis and provide recommendations to improve its ranking in [text deleted]. [US law firm] proposes to conduct public records research to identify and analyze the reports of the [text deleted] and thereby identify their influencing

[addressee deleted]

September 7, 2018

Page 2

factors. [US law firm] then proposes to interview international thought leaders regarding the compilation of these reports and [foreign government] domestic policy. Finally, [US law firm] will present its analysis to the [foreign government ministry] to help it understand their current rankings. [US law firm] further states that it will not advise the [foreign government ministry] regarding influencing members of the U.S. public or U.S. policy, and that the services contemplated do not involve distributing [US law firm]'s recommendations, or any other work product created under the agreement, to U.S. persons. Thus, [US law firm] concludes that it is not an agent of a foreign principal because none of its contemplated activities fall within the specified activities set forth in 22 U.S.C. § 611(c) which would require registration under FARA.

Based upon the foregoing representations in your letter describing the nature and extent of activities proposed to be undertaken by [US law firm] on behalf of the [foreign government ministry], as well as clearly stating activities which will not be engaged in by [US law firm], we concur with your conclusion that the proposed activities do not fall within the specified activities set forth in 22 U.S.C. § 611(c) that would require registration under FARA.

Please note that the question of obligation or exemption must be revisited as the nature of the activities changes. Thus, should [US law firm]'s activities for the [foreign government ministry] change in that [US law firm] is directed by the [foreign government] to engage in political activities that promote the public or political interests of the [foreign country], a registration under FARA would be required because your firm would be acting as an agent of a foreign principal by engaging in non-exempt political activities on behalf of a foreign principal. 22 U.S.C. § 611(c)(1). In that event, [US law firm] should contact this Unit immediately in order that we may reexamine whether it has an obligation to register under FARA at that time.

If you have any questions regarding this matter, please contact [name deleted] by telephone at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
FARA Registration Unit