



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

October 2, 2018

[Addressee deleted]

Re: Possible Obligation to Register under the Foreign Agents Registration Act

Dear [name deleted]:

This is in reference to your email message of September 6, 2018, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding your possible obligation to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”).

In your message you informed us that you are negotiating with [U.S. law firm], a law firm in [the United States], to assist [U.S. law firm] in its representation of [foreign company], in making a voluntary self-disclosure to the Office of Export Enforcement at the Department of Commerce (“OEE”). You indicate that your assistance would consist of disclosing not only [foreign company]’s own unlicensed re-exports to [foreign country] in violation of the Export Administration Regulations, but also the possible violations of other foreign and domestic entities that may also have engaged in unlicensed re-exports to [foreign country]. You informed us that you would work with [U.S. law firm] and [foreign company] to review documents and possibly prepare and make a presentation to OEE concerning the mitigating factors in the investigation of the competitors and other involved companies. We thank you for attaching a copy of the proposed engagement agreement for review.

After careful consideration of the facts presented to us in your message and the contract attached thereto, inasmuch as your work under the contract is in support of [U.S. law firm]’s legal representation of [foreign company] in front of the OEE, you do not have an obligation to register under these specific narrow facts.

Please let us know if there is any change in the facts and circumstances surrounding your activities for [U.S. law firm] on behalf of [foreign company] which could require reconsideration of your obligation to register under FARA. If you have any questions regarding this matter, please contact [name redacted] at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
Registration Unit