



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

April 11, 2019

By FedEx

[addressee deleted]

Re: Advisory Opinion Pursuant to 28 C.F.R. § 5.2

Dear [name deleted]:

This is in reference to your letter received by the FARA Unit on March 14, 2019, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding obligations under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based upon your letter and contractual agreement with the [foreign government communications office], we have determined that you have an obligation to register under FARA.

In your letter, you state that you are working under a contractual agreement with the [foreign government communications office], through its branch office, [foreign media branch]. You also state that you work for [individual], a consultant to the [foreign government communications office], and [individual], the head of [foreign media branch]. You further inform us that your contract commenced on November 1, 2018, on a retainer basis of \$2,500/month. According to your letter, your work consists of initiating discussions with U.S. companies on behalf of the [foreign government communications office] in an effort to open branch offices of those U.S. companies in [foreign city]. These companies include [US media organizations], as well as wireless and renewable energy technology companies.

A person is an “agent of a foreign principal” who must register under FARA if the person acts “in any . . . 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 public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal.”

[name deleted]

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22 U.S.C. § 611(c)(1).

We have determined that you are acting as an “agent of a foreign principal” under FARA. The [foreign government communications office] is a foreign government office and, therefore, a “foreign principal” as defined by the Act. 22 U.S.C. § 611(b)(1). In working pursuant to a contractual agreement with the [foreign government communications office], you are acting “at the order, request, or under the direction or control, of a foreign principal ...” 22 U.S.C. § 611(c)(1); 28 C.F.R. § 100(b). You are acting as an “information-service employee” on behalf of the [foreign government communications office], as defined by the Act, because by talking with U.S. companies about opening offices in [foreign city], you are “engaged in furnishing, disseminating, or publishing accounts, descriptions, information or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the United States, or of any government of a foreign country ...” 22 U.S.C. § 611(i). Because such discussions concern the political or public interests, policies, or relations of [foreign country], they also satisfy the definition of “political activities” under the Act.¹ We have further determined that the exemption from registration under Section 613(d) is unavailable because your activities are undertaken directly for the [foreign government], and therefore, are not private activities and serve “predominantly a foreign interest.” *See* 22 U.S.C. § 613(d).

For the foregoing reasons, you are obligated to register under FARA. Please effect the registration within thirty (30) calendar days of the date of this letter. Useful information and forms needed for registration are available on our website at <https://www.fara.gov>. If you have any questions regarding registration, please contact [name deleted] by telephone at (202) 233-0776.

Sincerely,

Brandon L. Van Grack
Chief, FARA Unit

¹ The term ‘political activities’ means any activity the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.” 22 U.S.C. § 611(o).