



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

August 27, 2019

By FedEx

[addressee deleted]

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

Dear [name deleted]:

This is in reference to your letter of July 1, 2019, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding your possible obligation to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”).

In the letter, you state that you and a group of friends desire to start a group in the United States to engage in social and political activities, such as holding political and social conferences and meetings, contacting political officials to advocate for your opinions concerning [foreign country], seeking support and raising funds from U.S. citizens to support your group, and transmitting satellite TV broadcasts to [foreign country].

Generally speaking, a party is an “agent of a foreign principal” who must register under FARA if it 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,” and within the United States, in pertinent part:

- (i) engages in political activities¹ for or in the interests of such foreign principal;
- (ii) acts as public relations counsel, publicity agent, information-service employee or political consultant² for or in the interests of such foreign principal;
- (iv) represents the interests of such foreign principal before any agency or official of the Government of the United States.

See 22 U.S.C. § 611(c)(1).

¹ The Act defines “political activity” as “any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the 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.” 22 U.S.C. § 611(o).

² The Act defines a “political consultant” 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.” 22 U.S.C. § 611(p).

In response to our July 30, 2019 letter requesting additional information about whether there is a foreign principal directing or controlling your group, you responded in an email dated August 5, 2019, that your “intended political group does not represent any foreign entity, party or agency outside the United States and has no connection of any level, type, or nature with any foreign entity, including any existing foreign political party in [foreign country] or any other country other than the United States.”³ In a subsequent email dated August 21, 2019, you further stated that there is no foreign person who will direct or control your organization’s activities.⁴

Based upon the foregoing representations disclaiming that these activities are to be undertaken on behalf of any foreign principal, and certifying that these activities are not undertaken at the direction and control of any foreign person, we do not contest that the proposed activities would not require registration under FARA because you and your group would not be acting as agents of a foreign principal.

Please note that our conclusion is based solely upon the representations in your communications to the Department of Justice, and must be revisited in the event that any of the facts change. In particular, you or your group may need to register under FARA if you/it acts at the order, request, or under the direction or control, of a foreign principal, or receives any funding from a foreign principal, such as a foreign government or foreign political party. In that event, you or your group should contact the FARA Unit immediately in order that we may reexamine whether your group has an obligation to register.

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

Sincerely,

Brandon L. Van Grack
Chief, FARA

³ On August 7, 2019, you certified this representation to be true and accurate to the best of your knowledge and belief.

⁴ On August 24, 2019, you certified this representation to be true and accurate to the best of your knowledge and belief.