



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

July 23, 2019

Via Email and USPS

[addressee deleted]

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

Dear [name deleted]:

We write in response to your letter of April 3, 2019 (“April 3 Letter”), supplemented by your letter of May 9, 2019 (“May 9 Letter”), in which you request an opinion, pursuant to 28 C.F.R. § 5.2(a), with respect to the registration obligations of your client, [US firm], under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based upon the representations in your letters, we have concluded that [US firm] is not currently obligated to register under the Act.

Through the representations contained in your April 3 Letter, we understand that [US firm] is a law firm based in [US city], whose principal business is representing private individuals, businesses, and government officials in [text deleted] suits. The April 3 Letter notes that [US firm]’s activities are limited to seeking legal remedies through litigation. You represent that [US firm] applies that limitation to activities undertaken on behalf of foreign government officials. The April 3 Letter further asserts that [US firm] declines to promote the political or public interests of any foreign government when representing such government’s officials.

The April 3 Letter specifically concerns [US firm]’s representation of [foreign person], a [foreign country] businessman. As noted in the letter, [US firm] was not retained to lobby Congress or to influence the public regarding [foreign person]’s [text deleted].¹ Rather, [US firm]’s activities are limited to potential litigation against [US companies] stemming from their treatment of [foreign person] [text deleted].² Among the activities outlined in the letter are drafting and sending demand letters to counsel for the [US companies].

In response to a request made by this office, in the May 9 Letter, [US firm] certified that it is unaware of any reimbursement from [foreign government] or any other foreign principal that [foreign person] has received for [US firm]’s services and is unaware of any instruction or communication that [US person] has received, directly or indirectly, from any [foreign government] official regarding the subject matter of [US firm]’s representation.

Based on the facts outlined above, it is our position that [US firm] is not required to register under FARA in connection with the specific enumerated activities undertaken in preparation and support of [text deleted] litigation. While [foreign person] is a foreign principal

¹ [text deleted]

² [text deleted]

[addressee deleted]

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under the definition set out at 22 U.S.C. § 611(a)(2), and [US firm] is acting at his direction and control, it is not engaging in activities codified at 22 U.S.C. § 611(c).

This position is limited to the specific facts and circumstances outlined in the April 3 and May 9 Letters. As noted above, you have represented that [US firm] will not be engaged in lobbying or in efforts to influence the public regarding [foreign person]'s [text deleted]. Please notify this office if any of the facts and circumstances of [US firm]'s activities on behalf of [foreign person] change, including any efforts to influence [text deleted] or activities connected to other foreign principals, including the [foreign government], as our position may change.

We will treat your submission in accordance with 28 C.F.R. § 5.2(m). Please contact [name deleted] or me by telephone at 202-233-0776, if you have any questions.

Sincerely,

Brandon L. Van Grack
Chief, FARA Unit