



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

March 18, 2020

**Via Email and First Class Mail**

[addressee deleted]

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

Dear [name deleted]:

We write in response to your letters of March 13, 2020 and March 17, 2020 (“March 2020 Letters”), in which you request an opinion, pursuant to 28 C.F.R. § 5.2(a), with respect to the registration obligation of your client, [US person], 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 determined that [US person] does not currently have an obligation to register under the Act.

You represent that the U.S. Department of State (“DOS”) has asked [US person] to serve as an expert to a group assembled by the [international organization]. The United States, through the DOS, would like to nominate [US person] to serve as a member of [text deleted] the experts group. The group’s purpose, as represented in the March 2020 Letters, is to “conduct a forward-looking process to assess ways to strengthen [international organization]’s cohesion and unity; reinforce political consultation, coordination, and decision-making between [members of international organization]; and strengthen [international organization]’s political role in addressing current and future challenges emanating from [text deleted].”

Generally speaking, FARA requires registration of “agents of foreign principals” who are engaged in “political activities” or other specified activities under FARA.<sup>1</sup> The consideration most relevant to our determination is that [US person] is not in an agency relationship with a foreign principal as defined in the Act.<sup>2</sup> [US person]’s activities, according to your representations, are in furtherance of a specific request made by the United States, through the DOS. While the request may serve the interests of [international organization], an organization of which the United States is a member, the request originated with the United States and not a foreign principal. Therefore, it cannot be said that [US person] is an “agent of a foreign

<sup>1</sup> There are a number of exemptions to the registration requirement outlined in the statute which are not germane to the subject matter of this letter. *See* 22 U.S.C. § 613.

<sup>2</sup> Because we have determined that [US person] does not have an obligation to register under FARA, we need not address whether [international organization] is considered a foreign principal under the Act.

[addressee deleted]

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principal” who is acting “at the order, request, or under the direction or control of a foreign principal.” 22 U.S.C. § 611(c).

Accordingly, we have determined that [US person] does not have an obligation to register under FARA if he accepts the nomination of the United States, through DOS, to serve as a member of the experts group convened by [international organization]. Our determination is limited to the facts you represented in your March 2020 Letters. If any of the facts with respect to activities undertaken by [US person] depart in any way from those described in your letters, please notify this office, as his registration status may change.

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

Sincerely,

Brandon L. Van Grack  
Chief, FARA Unit