



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

October 22, 2020

By E-mail

[Addressee deleted]

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

Dear [name deleted]:

We write in response to your letter of August 30, 2020 (“August 30 Letter”), requesting an advisory opinion, pursuant to 28 C.F.R. § 5.2, inquiring whether you have an 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”) for your activities as president of [global business consulting firm]. Based on your representations, we have determined that you are not obligated to register under the Act because your activities do not appear to be linked to a foreign principal, and therefore you do not appear to be acting as “an agent of a foreign principal” under the Act.

According to the August 30 Letter, [global business consulting firm] is a global consulting firm specializing in international market entry; trade, business, investment and economic development; and public relations and public affairs services for corporate and government clients. Your letter states that you began writing a series of [deleted] discussions for [deleted] magazine. For example, you recently wrote about your interview of a [foreign government trade ministry official]. Your email message dated October 14, 2020 (“October 14 Email”) indicates that you engaged in discussions in [deleted] magazine at your sole discretion, you alone are responsible for the selection of topics, guests, and questions, and you do not receive compensation. You also informed us that although you allow the interviewee to review a draft before submission in order to suggest clarifications or revisions, all final decisions are yours.

FARA seeks “to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political.”¹ 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 relevant part:

(i) engages in political activities² for or in the interests of such foreign principal;

¹ H.Rep 89-1470, at 2 (1966).

² 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).

[Addressee deleted]

October 22, 2020

Page 2

(ii) acts as public relations counsel, publicity agent, information-service employee or political consultant³ for or in the interests of such foreign principal.

See 22 U.S.C. § 611(c)(1).

Based on the representations in your correspondence, we have determined that you do not appear to be acting at the direction, control, order, or request of a foreign principal. Accordingly, you are not obligated to register under the Act. Our conclusion is limited to the facts and circumstances outlined in your August 30 Letter and October 14 Email; any change in those facts and circumstances may change your registration status. If any such change does occur, you and your firm should contact us immediately.

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,

/s/ Brandon L. Van Grack

Brandon L. Van Grack
Chief, FARA Unit

³ 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).