



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

February 1, 2017

Mr. Edward J. Newberry
Global Managing Partner
Squire Patton Boggs, LLP
2550 M Street, N.W.
Washington, DC 20037-1350

Re: Squire Patton Boggs, LLP
Registration No. 2165

Dear Mr. Newberry:

This letter is in response to your letter dated December 8, 2016, regarding Squire Patton Boggs, LLP's representation of the High Negotiation Committee of the Syrian Opposition ("HNC"), which responded to our letter of October 17, 2016, inquiring whether your firm's representation of the HNC requires it to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611, *et seq.* ("FARA" or the "Act").

In your letter you state that the HNC is "not a faction or body of insurgents within Syria assuming to exercise governmental authority," that "membership includes Syrian groups ranging from Damascus-based oppositionists to moderate armed opposition groups," and that "[w]hile the HNC has been formed to negotiate with the Assad government, there is virtually no likelihood that the HNC will as such ever become a Syrian political party or that members of the HNC will serve in future Syrian governments." Your letter concluded "that registration under FARA is not required as a condition of this firm's representation of the HNC," and is premised on the firm's "conclusion that the HNC is neither the government of a foreign country nor a foreign political party as those terms are defined by FARA."

According to Section 611(f) of the Act, the term foreign political party "includes any organization or any other combination of individuals in a country other than the United States, or any unit or branch thereof, having for an aim or purpose, or which is engaged in any activity devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country or a subdivision thereof, or the furtherance or influencing of the political or public interests, policies, or relations of a government of a foreign country or a subdivision thereof." 22 U.S.C. § 611(f). We believe that the HNC, as formed, is a "foreign political party," as defined by the Act. While the HNC members may not yet serve as members of the Syrian government, it is clear that their activity is devoted in whole or in part to, the establishment, administration, control, or acquisition of administration or control, of a government of a foreign country, and/or the influencing of the political or public interests, policies, or relations of a

government of a foreign country. At the least, by engaging in negotiations with the Assad government HNC is trying to influence the policies of the regime.

We have reviewed the lobbying report that Squire Patton Boggs, LLP filed under the Lobbying Disclosure Act, 2 U.S.C. § 1601 *et seq.* ("LDA"), and we have determined that the political activities described in your December 8, 2016, letter require your firm to register under FARA, as opposed to the LDA, primarily because the activities promote the political or public interests of a foreign government or foreign political party. The exemption provided in Section 613(h) of FARA applies to lobbying activities conducted to benefit the bona fide *commercial* interests of a foreign principal; it is not available to entities and individuals who engage in political activities promoting the political or public interests of a foreign government or foreign political party.

The FARA regulation, 28 C.F.R. § 5.307, addresses situations in which the principal beneficiary of the lobbying activities is a foreign government or foreign political party. The regulation emphasizes that "in no case where a foreign government or foreign political party is the principal beneficiary will the exemption under 3(h) be recognized." As demonstrated in the information provided, Squire Patton Boggs, LLP undertook to promote the HNC's public and political interests, making the HNC the principal beneficiary of the activities. Therefore, the exemption under Section 613(h) does not apply.

In conclusion, we have determined that Squire Patton Boggs, LLP must register under FARA because the firm's activities on behalf of the HNC constitute "political activities" as defined under the Act and were conducted at the request of, or under the direction or control of, a foreign principal (HNC) in furtherance of, and for the purpose of, influencing U.S. government officials, and sections of the public within the United States, with reference to the political or public interests, policies or relations of a foreign government or foreign political party. Squire Patton Boggs, LLP cannot rely on the exemption in Section 613(h) in these circumstances because the principal beneficiary of the political activities conducted within the United States is the HNC.

Useful information and forms needed for registration may be found on our website at <https://www.fara.gov>. Please effect Squire Patton Boggs, LLP's registration as soon as possible. If you have any questions or wish to meet with us regarding our determination, please contact [REDACTED] at (202) 233-0776.

Sincerely,

Heather H. Hunt
Chief
FARA Registration Unit