



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

March 27, 2019

By FedEx

[addressee deleted]

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

Dear [name deleted]:

This is in reference to your email messages of January 25 and 28, 2019, in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding the possible obligation of you and your firm, [US company], to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”).

Generally speaking, pursuant to FARA a party must register as an “agent of a foreign principal” if it acts “at the order, request, or under the direction or control of a foreign principal,” and within the United States:

- (i) engages in political activities for or in the interests of such foreign principal;
- (ii) acts as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
- (iii) solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or
- (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).

You state that on December 4, 2018, you sent an official request to the Secretary of Foreign Relations to the government of [foreign country] offering to lobby for them and requesting a meeting to discuss your possible engagement. You indicate that they agreed to meet and that, on December 14, 2018, you met with the commercial attaché for the Embassy of the [foreign country]. You state that the topic discussed was a possible [text deleted], and that you agreed to conduct some research to determine whether it was feasible for you to work on their behalf. You subsequently discovered Congressional Record statements by [U.S. Representatives], and [US Senator], concerning [text deleted]. In particular, you ask whether inquiring of these members of Congress about their Congressional Record statements would require registration under FARA.

The government of [foreign country] clearly constitutes a foreign principal under the Act as set forth in 22 U.S.C. § 611(b). So long as you limit your activities to merely conducting

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research about [foreign country], there would be no obligation to register under FARA. If your contacts with any member of Congress are attempts to influence them or their staff on behalf of the government of [foreign country], you would have an obligation to register because you would be engaging in political activities as an agent of the government of [foreign country].¹

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

Sincerely,

Brandon L. Van Grack
Chief, FARA Unit

¹ An agent must register under FARA if, at the request of the foreign principal, he “engages within the United States in political activities for or in the interests of such foreign principal” or if he “within the United States represents the interests of such foreign principal before any . . . official of the Government of the United States.” 22 U.S.C. § 611(c)(1)(i), (iv). The Act defines “political activities” 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 . . . 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).