



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

April 6, 2018

Via Email and First Class Mail

[addressee deleted]

Re: [text deleted]
Request for Advisory Opinion

Dear [name deleted]:

We write in response to your letter of January 16, 2018, in which you request an opinion pursuant to 28 C.F.R. § 5.2(a) with respect to the registration obligations of your client, the [US person], under Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based upon the representations made in your letter and the attached Independent Contractor Agreement between [US person] and [US company], we have determined that [US person] does not have an obligation to register under FARA.

According to your submission, [US person] hosts a 30-minute television interview and commentary show that is broadcast from [US company]’s studios in Washington, DC. The show is broadcast five days per week. You note that [US company] is a U.S.-incorporated production company that is registered as a foreign agent in connection with its production of various television shows for [foreign state owned company] in [foreign country]. We understand from the contract attached to your letter and from other sources, that [US person] hosts a show entitled [text deleted] which is distributed in the United States on [foreign network]. The contract between [US person] and [US company] vests each party with aspects of control over the production of the show.

Generally speaking, a party is an “agent of a foreign principal” who must register under FARA if it acts “at the order, request, or under the direction or control of a foreign principal” and engages in one of the following activities:

- (i) engages within the United States in political activities for or in the interests of such foreign principal;
- (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

[addressee deleted]

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(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States[.]

22 U.S.C. § 611(c).

The consideration most relevant to our determination that [US person] does not have an obligation to register is, as you have pointed out, that [US person] does not have a contractual relationship with [foreign state owned company] or other foreign principal. [US person]'s contractual relationship is with [US company], a FARA-registered U.S. entity. Therefore, it cannot be said the [US person] is an "agent of a foreign principal" who is acting "at the order, request, or under the direction or control of a foreign principal." *Id.*

Accordingly, we have determined that [US person] does not have an obligation to register under FARA because of his contract with [US company]. Our determination is limited to the particular facts you have represented in your January 16, 2018, letter and the contract attached thereto. Therefore, if any of the facts with respect to activities undertaken by you depart in any way from those described in your letter and documentation, please notify this office, as [US person]'s registration status 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,

Heather H. Hunt, Chief
FARA Registration Unit