

INTRODUCTION

This handbook provides a general overview of the Foreign Agents Registration Act (FARA), the regulatory and statutory provisions that govern whether an entity must register with the U.S. Department of Justice (DOJ), the registration process, the obligations of registered agents, and the penalties that may be imposed for FARA violations

OVERVIEW

Enacted in 1938 and administered by the FARA Registration Unit of the Counterespionage Section (CES) in the National Security Division (NSD) of DOJ, FARA is a disclosure statute that seeks to ensure that all persons acting politically or quasi-politically on behalf of foreign entities in the United States properly disclose their activities to the United States government. As a result, the statute requires that all persons acting as an “agent of a foreign principal” register with DOJ unless an exception applies. In general, all of the information disclosed in FARA registration materials are made publicly available online.

IS THERE A REGISTRATION REQUIREMENT?

Pursuant to the statute, any person who engages in political activities on behalf of a foreign principal (*i.e.*, an agent of a foreign principal) must register under FARA unless an exception applies.

The statute broadly defines a “foreign principal” to include not only foreign governments and foreign political parties, but also persons and organizations outside of the United States, and corporations and other entities that are organized under the laws of a foreign country, or whose principal place of business is a foreign country. Further, the statute defines an “agent of a foreign principal” to include any person (*i.e.*, individual, partnership, association, corporation, etc.) who has an agency relationship with the foreign principal; *and* directly, or through any other person, is engaged in one of four covered activities in the United States. These activities are: (1) engaging in political activities for or in the interests of such foreign principal; (2) acting as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal; (3) soliciting, collecting, disbursing, or dispensing contributions, loans, money, or other things of value for or in the interest of such foreign principal; or (4) representing the interests of such foreign principal before any agency or official of the government of the United States.

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“Political activities” are defined 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 or a foreign political party.” Notably, the definition of political activities is broad and could include a wide range of activities, such as lobbying U.S. government officials; engaging in public relations activities for the purpose of changing or enhancing the U.S. public’s perception of a foreign government; arranging meetings, planning itineraries, or supplying a forum for foreign officials to promote their programs.