



Foreign Agents Registration Act: An Overview

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The information in this outline is intended as a general overview of the law and does not constitute legal advice or opinion. The information is not intended to address specific factual situations or individual problems or issues. You are encouraged to seek professional legal advice before making any decision based on the topics discussed in this outline.



FARA

Foreign Agents Registration Act (“FARA”) requires any person acting as an agent of a foreign principal in a political or quasi political capacity to make periodic disclosures about their relationship with the foreign principal.

22 U.S.C. § 611-621

28 C.F.R. Ch. 1 Part 5



- Enacted in 1938 in response to a large number of German propaganda agents in the United States before World War II.
- Amended in 1966 to include lobbying efforts in the U.S. on behalf of foreign business interests.
- Amended in 1995 and 1998 as part of Lobbying Disclosure Act and its amendments.



Disclosure to the U.S. Department of Justice

In sum, FARA requires:

- Agents of foreign principals to register and provide information about their activities on behalf of the principal.
- Details must be provided involving the agent's activities, income received and expenses incurred on behalf of foreign principal and in support of its activities.

Administered and enforced by the FARA
Registration Unit within the National Security
Division of U.S. Department of Justice.



“Disclosure of the required information facilitates evaluation by the government and the American people of the statements and activities of such persons in light of their function as foreign agents.”



Who is a “foreign principal”?

- Foreign governments
- Foreign political parties
- Foreign individuals
- Foreign non-governmental organizations
- Foreign businesses



U.S. Subsidiaries

- Generally excluded if autonomous U.S. domiciled corporation with its principal place of business within U.S.
- If a foreign parent company directs U.S. company (or its agents) to engage in certain activities on behalf of the foreign principal, employees of the U.S. company may be “agents” and covered under FARA.



Who is an “agent” of a foreign principal?

- Anyone who acts within the United States for or in the interests of a foreign principal:
 - on political activities or as a political consultant;
 - as public relations counsel or a publicity agent;
 - to solicit or disburse funding; or,
 - to represent the interests before any U.S. government official or agency.



What are “political activities”?

“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 foreign political party”



What are "political activities"?

- Contacts with U.S. government officials as well as actions intended to influence these officials but without direct contact.
- Grassroots lobbying activities.
- Managing a lobbying campaign implemented by others.
- Facilitating meetings by others.
- Preparing others for meetings.



What are *not* “political activities”?

- Inquiries
- Monitoring
- Analyzing



Exemptions

- Federal lobbyists
- Legal representation
- Commercial activities



Registration under the LDA may exempt you from FARA

- If you are registered under the LDA, you do not need to register under FARA unless you are working on behalf of a foreign government or foreign political party.
- Compliance with LDA is less onerous at this point in time.



Legal Representation

- Must be within a judicial or administrative proceeding.
- Representation must be disclosed in proceeding.
- Not a general exemption for attorneys engaged in lobbying.
- If act outside judicial or administrative proceeding, FARA will apply.



Registration and Reporting

- Must occur within 10 days of agreeing to be an agent for a foreign principal and before performing any services.
- Comprehensive filing relative to LDA.
 - One filing for organization, one filing for individual representatives.
 - Must be delivered or mailed.
 - Original of each form plus two copies.
 - \$305 filing fee per foreign principal.
 - File stamped copy recommended.



Registration and Reporting (cont'd.)

- Reports then filed detailing activity during each six month period subsequent to registration.
 - File within 30 days of the end of a reporting period.
 - Must file reports until relationship with foreign principal is terminated.
 - \$305 fee with each filing.



Internet Access to Filings

- All documents are public records.
- Beginning in June 2007, searchable database available online of FARA filings.
- <http://www.fara.gov/links/search.html>



Other Requirements:

- All informational materials should be labeled with a conspicuous statement that the information is being disseminated by the agent on behalf of the foreign principal.
 - Should include a statement that the individual distributing the materials is a registered agent under FARA.
- Copies of materials provided to Department of Justice within 48 hours of dissemination.



Other Requirements (cont'd.):

- If an agent appears before a Congressional committee, must furnish committee with most recent registration statement.
- Keep copy of all records and, upon request, make available for U.S. DOJ inspection.



For more information:

- FARA Unit at U.S. Dept. of Justice
 - 202-514-1216
 - 202-514-2836 (fax)
- www.fara.gov
- Public office located at 1400 New York Ave, N.W. Suite 100 (202-514-1145)



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