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FARA Registration Requirements

The Foreign Agents Registration Act ("FARA," 22 U.S.C. § 611 *et seq.*) requires persons and entities to register with the Department of Justice, FARA Registration Unit, when they engage in certain political or quasi-political activities as an agent of a "foreign principal."¹ The term "foreign principal" refers to any foreign government, political entity, non-U.S. citizen located outside of the U.S., or any entity organized under the laws of or having its principal place of business in a foreign country.² Information submitted to FARA is made available for public review through the FARA website. Please refer to Appendix 1 for a detailed listing of the information that must be submitted in connection with a FARA filing.

I. FARA OVERVIEW

A. Registrable Activities

FARA requires persons and entities to register when they engage in certain political or quasi-political activities in the U.S. on behalf of "foreign principals." Registrable activities include: (1) political; (2) public relations; (3) political consulting; (4) publicity; and (5) information-services. Each of these terms is defined broadly:³

Political Activity: 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 U.S. government or any section of the public within the U.S. with reference to formulating, adopting, or changing the domestic or foreign policies of the U.S. or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party.

Public Relations: Informing, advising, or in any way representing a principal in any public relations matter pertaining to political or public interests, policies, or relations of such principal.

Political Consulting: Informing or advising any other person with reference to the domestic or foreign policies of the U.S. or the political or public interest, policies, or relations of a foreign country or of a foreign political party.

Publicity: Directly or indirectly publishing or disseminating oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or otherwise.

Information-service Employee: Furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of any country other than the U.S. or of any government of a foreign country or of a foreign political party or of a partnership, association, corporation, organization, or other combination of individuals organized under the laws of, or having its principal place of business in, a foreign country.

In addition, FARA covers any person within the United States who solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal.

¹ 22 U.S.C. § 611(b).

² *Id.*

³ 22 U.S.C. §§ 611(o), (g), (p), (h), and (i).

B. Exemptions

FARA contains several exemptions that limit the scope of its registration requirements, the most relevant being:

Registration under the LDA: FARA exempts any foreign agent of a non-governmental entity that has previously registered under the LDA.⁴ This exemption effectively limits FARA registration to agents who represent foreign governments or political parties, as registering under the LDA is widely-viewed as preferable under most circumstances for persons who represent non-governmental entities.

Trade and Commerce: FARA contains an exemption for persons engaging only in “private and nonpolitical activities in furtherance of the bona fide trade or commerce” of a foreign principal.⁵ Pursuant to this exemption, foreign corporations, non-profits, universities, and other entities are able to engage in ordinary business activities without registering under FARA. This exemption also covers persons engaging “in other activities not serving predominantly a foreign interest.”⁶ Finally, the exemption extends to persons engaged “in the soliciting or collecting of funds and contributions within the United States to be used only for medical aid and assistance, or for food and clothing to relieve human suffering”

Non-Commercial Activities: In addition to the broad exemption for commercial activities, FARA exempts persons and entities engaged in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts.⁷

II. REGISTRATION / FILING PROCESS

A. Registration

To register, a foreign agent must submit the registration forms summarized below through the FARA website’s electronic registration portal.⁸ Please refer to Appendix 1 for a detailed listing of the information that must be submitted in connection with each form. After a FARA registration package is submitted, the Registration Unit will review the filing and send the registrant a registration number, account number, and temporary password for the FARA website through the U.S. Postal Service.

Initial Registration Statement. The registrant must complete the form by providing the following information: address, corporate form (e.g., corporation, LLP), key officers and directors, the nature of the registrant’s regular business or activity, planned activities on behalf of the foreign principal(s), receipt or disbursement of funds in connection with the representation, and dissemination of informational materials. This form is filed only once at the time of initial registration.

Short Forms for Individuals. Each individual acting on behalf of the foreign principal must file a “short form” setting forth his or her address, date of birth, nationality, occupation, and political contributions over the prior 60 day period. This includes each employee of a registrant that engages in registrable activities on behalf of the foreign principal.

Exhibit A – Foreign Principal Information. This form requires the registrant to provide contact information for the foreign principal, a description of the nature of the business or activity of the foreign principal, and information regarding the foreign principal’s connections to any foreign government or political party. This form must be filed for each foreign principal.

Exhibit B – Foreign Principal Agreement (if applicable). This form requires the registrant to provide a copy of the agreement with the foreign principal (if any) and to describe the activities the registrant engages in or proposes to engage in on behalf of the above foreign principal. This form must be filed for each foreign principal.

Exhibit C – Copies of the Registrant’s Organizational Documents. No form is provided by FARA.

B. Periodic Filings

Supplemental Statement. Foreign agents must file supplemental statements every six months containing information on changes to the registrant or the registrant’s relationship with the foreign principal, a detailed description of the registrant’s recent activities, an accounting of payments received from, or disbursed on behalf of, each foreign principal, each short form registrant’s political contributions, and information regarding the dissemination of any informational materials. FARA will send a filing reminder one month in advance with a listing of registered foreign principals and applicable fees.

Short Forms, Exhibits A and B. Once registered, a foreign agent has an ongoing obligation to file (a) short forms for any employees who work on behalf of a foreign principal, and (b) Exhibits A and B for any new foreign principals.

⁴ 22 U.S.C. § 613(h).

⁵ 22 U.S.C. § 613(d).

⁶ 22 U.S.C. § 613(e).

⁷ Registration fees are \$305.00 for each Exhibit A, and \$305.00 per foreign principal listed on a Supplemental Statement.

Informational Materials. In addition to registration, FARA requires foreign agents to file with the Registration Unit two copies of any informational materials (email, memorandum, film, radio broadcast, etc.) that are, or are reasonably expected to be, disseminated to two or more persons. The informational materials must be filed with the Registration Unit within two days of distribution, and will be made available for public inspection. All informational materials must contain a “conspicuous statement” identifying the name of the registrant, the name of the foreign principal, and advising that the recipient may obtain information about the registrant through the Registration Unit. Any informational material that is given to a Member of Congress or U.S. government official must include a statement that the person distributing the materials is a registered agent of a foreign principal. If appearing before Congress, a registrant acting on behalf of a foreign principal must provide the Congressional committee with a copy of the registrant’s most recent FARA registration statement.

APPENDIX 1 – FARA INITIAL REGISTRATION REQUIREMENTS

Initial Registration Statement. The registrant must complete the form by providing the following information:

1. Date and place of organization for Company.
2. Principal business address and addresses for any other locations.
3. Type of organization (partnership, corporation, etc.).
4. Name of person in charge.
5. For all partners (or persons performing functions of an officer or director) for Company:
 - a. Name
 - b. Residence Address
 - c. Position
 - d. Nationality
6. List of all employees who render services directly in furtherance of the foreign principal’s interest (other than clerical, secretarial or related capacity):
 - a. Name
 - b. Residence Address
 - c. Nature of Service
7. Describe the nature of Company’s regular business or activity.
8. Describe the ownership and control of Company.
9. Does Company engage in activities on its own behalf that benefit the foreign principal?
10. During the period beginning 60 days before becoming an agent of the foreign principal, did Company receive any income or anything of value as compensation? If yes:
 - a. Date received
 - b. Purpose of payment
 - c. Amount (or if an item or thing of value, a description)
11. During the period beginning 60 days before becoming an agent of the foreign principal, did Company spend or disburse any money or anything of value in furtherance of or in connection with your activities on behalf of the foreign principal? If yes:
 - a. Date
 - b. To Whom
 - c. Purpose
 - d. Amount (or if an item or thing of value, a description)
12. During the period beginning 60 days before becoming an agent of the foreign principal, did Company or any of its members that provide services to the foreign principal, make any contribution of money or other thing of value from your own funds and on your own behalf in connection with any U.S. election, primary, convention, or caucus held to select candidates for political office (federal, state, local)? If yes:
 - a. Date
 - b. Amount or thing of value
 - c. Party or Candidate
 - d. Election

13. Will Company prepare or disseminate any informational materials on behalf of the foreign principal? If yes:
- Is there a budget for the preparation or dissemination of informational materials?
 - Language of the informational material?
 - Will any public relations firms or publicity agents participate in the preparation or dissemination of informational materials?
 - Will your activities include use of:
 - Radio, TV broadcasts
 - Advertising campaigns
 - Magazine or newspaper articles
 - Press releases
 - Internet (email, social media, etc.)
 - Film
 - Pamphlets
 - Letters
 - Lectures or speeches

14. Will the material be disseminated to any of the following groups:
- Public officials
 - Government agencies
 - Newspapers/Magazines
 - Civic groups
 - Libraries
 - Educational groups
 - Nationality groups

Short Forms for Individuals. Each individual acting on behalf of the foreign principal must file a “short form” setting forth his or her address, date of birth, nationality, occupation, and political contributions over the prior 60 day period.

- Individual Name
- Address
 - Residential
 - Business
- Year of Birth
 - Nationality
 - Present Citizenship (if not acquired at birth please explain)
- Occupation
- Nature of services to be rendered
- Nature of compensation (salary, commission, fee, etc.) and whether compensation is tied to representation of the foreign principal.
- During the period beginning 60 days before becoming an agent of the foreign principal, any political contributions of money or things of value in connection with any U.S. election, primary, convention, or caucus held to select candidates for political office?
 - Date
 - Amount or thing of value
 - Party or Candidate
 - Election

Exhibits A, B, and C for Representation of the Foreign Principal

- Address of the foreign principal.
- Copy of the signed written agreement between Company and the foreign principal setting forth the services to be performed.
- Copy of Company’s corporate organizational documents.

Venable Office Locations:

ANNAPOLIS, MD
t 410.269.4860

BALTIMORE, MD
t 410.244.7400

LOS ANGELES, CA
t 310.229.9900

NEW YORK, NY
t 212.307.5500

ROCKVILLE, MD
t 301.217.5600

SAN FRANCISCO, CA
t 415.653.3755

TOWSON, MD
t 410.494.6200

TYSONS CORNER, VA
t 703.760.1600

WASHINGTON, DC
t 202.344.4000

WILMINGTON, DE
t 302.298.3535