

An Unprecedented Look Inside The FARA Unit

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In this article, Brian Fleming and Andrew Herman discuss themes and takeaways from the Department of Justice's (DOJ's) June 8 release of over 50 Foreign Agents Registration Act (FARA) advisory opinions. "These opinions offer an unprecedented glimpse into how the FARA Registration Unit interprets the act and its implementing regulations, and also provide the FARA bar and potential registrants with concrete, real world examples that shed light on previously murky interpretive questions," Fleming and Herman wrote. In particular, Fleming and Herman discussed issues that legal practitioners and potential FARA registrants should consider regarding the threshold of what constitutes a foreign agent; contracting around a FARA registration obligation; the soundness of Lobby Disclosure Act exemption claims; the use of the commercial exemption and legal exemption; and criminal liability under FARA.