

GENERAL FARA FREQUENTLY ASKED QUESTIONS

What is FARA?

What is the purpose of FARA?

Are foreign governments the only foreign principals?

How does the Act work?

When does one register?

Does the Act limit an agent's lobbying and publishing informational materials (propaganda) for a foreign principa

What are the filing and labeling requirements for informational materials?

Are there criminal penalties for violating the Act?

Does everyone who acts as an agent of a foreign principal have to register?

Is FARA the only statute relating to the registration of agents?

WHAT IS FARA?

FARA is short for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq*

WHAT IS THE PURPOSE OF FARA?

The purpose of FARA is to insure that the U.S. Government and the people of the United States are informed of the source (propaganda) and the identity of persons attempting to influence U.S. public opinion, policy, and laws. In 1938, FARA was response to the large number of German propaganda agents in the pre-WWII U.S..

ARE FOREIGN GOVERNMENTS THE ONLY FOREIGN PRINCIPALS?

No. The term also includes foreign political parties, a person or organization outside the United States, except U.S. citizen organized under the laws of a foreign country or having its principal place of business in a foreign country.

HOW DOES THE ACT WORK?

1. The Act requires every agent of a foreign principal, not otherwise exempt, to register with the Department of Justice outlining its agreements with, income from, and expenditures on behalf of the foreign principal. These forms are published and must be supplemented every six months.
2. The Act also requires that informational materials (formerly propaganda) be labeled with a conspicuous statement if disseminated by the agents on behalf of the foreign principal. The agent must provide copies of such materials to the Attorney General.
3. Any agent testifying before a committee of Congress must furnish the committee with a copy of his most recent registration statement.
4. The agent must keep records of all his activities and permit the Attorney General to inspect them.

WHEN DOES ONE REGISTER?

One must register within ten days of agreeing to become an agent and before performing any activities for the foreign principal.

DOES THE ACT LIMIT AN AGENT'S LOBBYING AND PUBLISHING INFORMATIONAL MATERIALS (PROPAGANDA) FOR A FOREIGN PRINCIPAL?

No, the Act requires only registration.

WHAT ARE THE FILING AND LABELING REQUIREMENTS FOR INFORMATIONAL MATERIALS?

Section 4 of the Act, 22 U.S.C. § 614, outlines the responsibilities of a registrant who disseminates informational materials for a foreign principal.

If an agent disseminates informational materials, by mail or by any means or instrumentality of interstate or foreign commerce, the materials to be disseminated among two or more persons, the agent must adhere to the requirements of Section 4(a). A copy of all informational materials disseminated for or in the interests of a foreign principal must be filed within 48 hours. Agents must adhere to the statutory labeling requirements, which include the presence of a conspicuous statement on the materials. §§ 614(a) and (b). The following language must be included in the conspicuous statement in order to comply with Section

This material is distributed by (name of registrant) on behalf of (name of foreign principal). Additional information is available at the Department of Justice, Washington, DC.

When seeking to comply with the requirements of Section 4 of the Act, a personal or organizational website, as well as an email or text message, must contain a conspicuous label if such media are used as instruments to disseminate information. Acceptable methods for placing a conspicuous label on a website include placing the required language visibly on the home page, running header or footer on a website home page, or within a website "About Us" page. Appropriate methods for labeling on social media presence such as Twitter, Facebook, an online forum, or a blog include placing a conspicuous statement on the social media presence, the person's or organization's website, within a Facebook or Twitter profile summary, or on the home page for an online forum message used to disseminate informational materials shall be marked at its beginning with the required label.

Whenever transmittal of the same item of informational materials is made over a period of time, the registrant may file the label for as long as such transmittal continues. Examples include tourist brochures (no label required), economic development materials, and trade publications.

If a registered agent contacts any agency or official of the Government (including a member or committee of Congress) or the agent's foreign principal, Section 4(e) of the Act requires that the agent disclose his or her status as a foreign agent and identify the foreign principal.

Section 4(f) of FARA states, in essence, that whenever a registered agent appears before any committee of Congress to testify in the interest of his or her foreign principal, the agent shall, at the time of the appearance, furnish the committee with a copy of his or her most recent registration statement filed with this Department for inclusion in the record as part of his or her testimony.

ARE THERE CRIMINAL PENALTIES FOR VIOLATING THE ACT?

Yes, failure to register, keep accounts, mark informational materials, provide a congressional committee with a copy of the recent registration, and agreeing to a contingent fee based on the success of political activity are violations of the Act. The Act provides for criminal penalties to obtain voluntary compliance with the statute.

See our [enforcement page](#) for details.

DOES EVERYONE WHO ACTS AS AN AGENT OF A FOREIGN PRINCIPAL HAVE TO REGISTER?

No, there are a number of exemptions. For example, diplomats and officials of foreign governments, and their staffs, are exempt. Persons recognized by the U.S. State Department. Persons whose activities are of a purely commercial nature or solely of a religious, academic, scientific or fine arts nature are exempt. Certain soliciting or collecting of funds to be used for medical aid, or for the relief to relieve human suffering are also exempt. Lawyers engaged in legal representation of foreign principals in the courts or in legal proceedings, so long as the attorney does not try to influence policy at the behest of his client, are exempt. Any agent who engages in lobbying activities and is registered under the Lobbying Disclosure Act is exempt from registration under FARA if the registration is on behalf of a foreign government or foreign political party.

IS FARA THE ONLY STATUTE RELATING TO THE REGISTRATION OF AGENTS?

No. The Lobbying Disclosure Act of 1995 (LDA), 2 U.S.C. § 1601, removed from FARA a class of agents who are engaged in lobbying activities and who register under the LDA. This Act is administered by Congress.

18 U.S.C. § 951 provides criminal penalties for anyone, other than a diplomat, to operate as an agent of a foreign government without notifying the Attorney General, unless the agent is engaged in legal commercial transaction. This statute is aimed at foreign controlled agents engaged in non-political activities.

Also, 18 U.S.C. § 2386 requires registration by certain organizations which engage in political activity, civilian military activities, foreign control, or has as its purpose the overthrow of the government by force.

Finally, 50 U.S.C. § 851, requires registration of persons who have knowledge of or have received instruction or assignment to perform counterespionage or sabotage service or tactics of a foreign country or political party.

See our [related statutes page](#) for more details.

Updated

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