

## Matthew Sanderson Comments on New FARA Advisory Opinions

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**NEW FARA ADVISORY OPINIONS SHOW JUSTICE DEPARTMENT’S BROAD INTERPRETATION OF THE LAW:** The Justice Department made public more than a dozen recent Foreign Agents Registration Act advisory opinions on Monday, shedding a little more light on the criteria it uses to determine who must register as a foreign agent under the law. Two opinions stood out, according to **Matthew Sanderson** of **Caplin & Drysdale**, who advises clients on foreign lobbying law.

— In one of them, lawyers representing a foreign government attended “regular meetings between Embassy officials and [foreign country]’s U.S. lobbyists where proposed legislation and legislative strategy are discussed,” among other things. **Brandon Van Grack**, the head of the Justice Department’s FARA unit, advised the firm in April that it couldn’t take advantage of FARA’s exemption for legal work and needed to register. The Justice Department “took an exceedingly broad view of FARA’s scope” in the opinion, wrote Sanderson in an email to PI. “This could cause more law firms, particularly in Washington, to reexamine whether their work could trigger FARA registration,” he added.

— In another opinion, the Justice Department advised an environmental nonprofit that had received a grant from a foreign government agency that it needed to register under the law, even though the nonprofit claimed that its interactions with U.S. government officials had “nothing to do with formulating, adopting, or changing the domestic or foreign policies of the United States.” This could cause more nonprofits that receive grants from foreign sources to reexamine their FARA obligations, particularly given what DOJ found to constitute ‘political activities’ in this context,” Sanderson wrote.

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### **Attorneys**

Matthew T. Sanderson

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