

DOJ Announces Planned Release of FARA Advisory Opinions

Article By:

Robert Kelner

The Department of Justice has begun informing persons who obtained Foreign Agents Registration Act (“FARA”) advisory opinions that it will “soon” publish on its website copies of advisory opinions issued since January 1, 2010. The opinions apparently will be redacted to remove the identities of the requesters and their clients. For years, the Department has been criticized for maintaining a body of what amounts to secret law concerning FARA, in the form of unpublished advisory opinions. This has made compliance with FARA difficult, and has led to confusion among the regulated community concerning the Department’s positions on key interpretive issues. Publication of close to eight years’ worth of recent advisory opinions could shed substantial light on the Department’s approach to the triggers for FARA registration, exemptions, and perhaps certain reporting issues. It is not yet clear exactly when the opinions will be posted. Covington will be tracking this issue closely and will update clients on developments once the advisory opinions are released.

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