

No .: 04-03  
Date: June 14, 2004

Foreign Corrupt Practices Act Review  
Opinion Procedure Release

The Department has reviewed the FCPA Opinion request of a U.S. law firm that was submitted on April 26, 2004.

The requestor proposes to sponsor a trip to the United States by twelve officials of a ministry (the "Ministry") of the People's Republic of China ("PRC"). The stated purpose of the visit is to provide the Ministry officials an opportunity to meet primarily with U.S. public-sector officials to discuss (1) U.S. regulation of employment issues, labor unions, and workforce safety; and (2) the institutions and procedures through which legal conflicts in the workplace are resolved. The visit will last for ten days and will include stops in three different cities. The requestor has secured commitments from various federal and state government agencies, courts, and academic institutions to meet with the Ministry officials. The requestor intends to pay the travel, lodging, meals, and insurance for the twelve officials and one translator. The requestor has asked for a determination of the Department's present enforcement intention under the FCPA.

The requestor has represented, among other things, that:

1. it has no business before the entities that may send officials on the visit;
2. it has obtained written assurance, a copy of which has been provided to the Department of Justice, from the Deputy Director of the Department of Legal Affairs of the Ministry that the requestor's sponsorship of the visit and its payment of the expenses described in the request violate no law of the PRC;
3. it is not selecting the particular officials who will be invited; rather, the Ministry will select who will participate in the visit;
4. it will host only officials working for the Ministry, related government agencies, and necessary interpreters;
5. it intends to pay all costs directly to the providers; no funds would be paid directly to the Ministry or other government officials;
6. it will not pay any expenses for spouses, family, or other guests of the officials; and
7. apart from meals and receptions connected to meetings or speakers or the events it is planning for the officials, it will not fund, organize, or host any entertainment or leisure activities for the officials, nor will it provide the officials with any stipend or spending money.

Based upon all of the facts and circumstances, as represented by the requestors, the Department does not presently intend to take an enforcement action with respect to the proposal described in this request.

The FCPA Opinion Letter referred to herein, and this release, have no binding application to any party which did not join in the request, and can be relied upon by the requesting party

only to the extent that the disclosure of facts and circumstances in its request is accurate and complete and continues to accurately and completely reflect such facts and circumstances.