



**U.S. Department of Justice**

National Security Division

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Counterintelligence and Export Control Section

Washington, DC 20530

March 23, 2018

**Via Email and First Class Mail**

[addressee deleted]

Re: [text deleted]  
Request for Advisory Opinion Pursuant to 28 C.F.R. § 5.2

Dear [name deleted]:

We write in response to your letter of February 27, 2018, in which you request an opinion, pursuant to 28 C.F.R. § 5.2(a), with respect to the registration obligations of your client, the [US association], under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based upon the representations made in your letter, we have determined that [US association] does not have an obligation to register under FARA.

According to your submission, [US association] is a national, non-profit organization representing all facets of the [text deleted] industry. [US association]’s primary mission is to promote [text deleted] to and within the United States. As noted, in support of its mission, [US association] has joined the recently-formed [international organization], a membership organization representing 109 members from 29 countries. As noted on its website, [international organization]’s mission is to promote international tourism with the ultimate purpose of fostering dialogue, peace, development, and poverty-reduction based on mutual trust, mutual respect, mutual support, and win-win outcome.<sup>1</sup> It also notes that the [foreign country]-based [international organization] is engaged in a cooperative relationship with the [UN organization] to drive [text deleted] exchanges and cooperation at the non-governmental and intergovernmental levels. The [international organization] plans to hold annual meetings, summits, expos and other events, as well as facilitating exchanges and cooperation between the government and private sectors. We note that [US person], [US association]’s President and CEO, is a Vice Chair of [international organization]. You represent that [international organization] (and [US association]) will not engage in any activities in an attempt to change or influence U.S. laws or policies.

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<sup>1</sup> [website reference deleted]

[addressee deleted]

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Generally speaking, a party is an “agent of a foreign principal” who must register under FARA if it acts “at the order, request, or under the direction or control of a foreign principal” and engages in one of the following activities:

- (i) engages within the United States in political activities for or in the interests of such foreign principal;
- (ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;
- (iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or
- (iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States[.]

22 U.S.C. § 611(c).

The consideration most relevant to our determination that [US association] does not have an obligation to register is, as you have pointed out, that [US association] is not in an agency relationship with [international organization], [foreign country], or other foreign principal as a result of its membership in [international organization]. [US association]’s activities, according to your representations, are in furtherance of its mission in supporting [text deleted] to the United States and the mutual interests of [international organization]’s members. Therefore, it cannot be said that [US association] is an “agent of a foreign principal” who is acting “at the order, request, or under the direction or control of a foreign principal.” *Id.*

Accordingly, we have determined that [US association] does not have an obligation to register under FARA because of its membership and participation in [international organization].<sup>2</sup> Our determination is limited to the particular facts you have represented in your February 27, 2018, letter and the references contained therein. If any of the facts with respect to activities undertaken by [US association] depart in any way from those described in your letter, please notify this office, as [US association]’s registration status may change.

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<sup>2</sup> Because we have determined that [US association] does not have an obligation to register under FARA, we need not address whether there is an applicable exemption.

[addressee deleted]

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We will treat your submission in accordance with 28 C.F.R. § 5.2(m). Please contact [name deleted] or me by telephone at 202-233-0776, if you have any questions.

Sincerely,

Heather H. Hunt, Chief  
FARA Registration Unit