



U.S. Department of Justice

National Security Division

Washington, DC 20530

August 26, 2011

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This will acknowledge receipt of your letter of August 18, 2011. Pursuant to 28 C.F.R. § 5.2, you request an opinion from the Department of Justice as to whether [US person], your firm, or you are required to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (FARA or the Act) for contemplated activities on behalf of the [Memorial] in [foreign country]. Based upon the representations in your letter, we find that [US person], your firm, and you have no present obligation to register under FARA.

You indicated in your letter that [US person] is CEO of [hospital] in [US city], and Honorary Consul General for [foreign government]. To commemorate the sacrifices [text deleted], [US person] "is spearheading a project of [his/her] own creation...." The project will be erected in [foreign country] and known as the [text deleted] memorial. [US person] will seek private and public donations and support for this memorial. You and your firm will assist in these activities by arranging meetings and introductions to public and private officials.

Under Section 611(b) of FARA, [foreign government] is a "foreign principal." As stated in your letter, [US person], your firm, and you would not be considered a "foreign agent" as defined in Section 611(c). In order to be an agent of a foreign principal a person must act "at the order, request, or under the direction or control" of the foreign principal. In your letter, and our phone conversation, you have insisted that [US person], your firm, and you are not acting at the order or request of or under the direction or control of [foreign government], but rather, acting for [US person], in his role as a private U.S. citizen and not as Honorary Consul General of [foreign government].

If [US person] your firm, and you decide to advance the interests of the [foreign country] by engaging within the United States in political activities for [foreign government], as defined in Section 611(o) of FARA, then you would have an obligation to register under FARA. Specifically, any effort to influence U.S. Government decisions regarding aid to the [foreign country] would require registration.

Please note that the question of obligation or exemption must be revisited as the nature of the relationship changes from time to time. Because the question of obligation or exemption depends on your or your firm's relationship with any foreign principal, this opinion is limited to the facts as represented. If the facts concerning your relationship should change, you may wish to ask us to reexamine whether you or your firm has an obligation to register under the Act.

If you have any questions, please contact me at (202) 233-0776.

Sincerely,

Heather H. Hunt, Chief
Registration Unit
Counterespionage Section