



U.S. Department of Justice

National Security Division

Washington, DC 20530

January 20, 2010

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This is in response to your letter and enclosures of October 14, 2009. Pursuant to 28 C.F.R. § 5.2, you requested an opinion from the Department of Justice as to whether your firm is 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 its activities on behalf of the [foreign trade association]. Specifically, you ask whether the firm qualifies for the Lobbying Disclosure Act, 2 U.S.C. § 1601 *et seq.* (LDA), exemption set forth in 22 U.S.C. § 613 (h) of the Act.

Your letter indicates that [U.S. consulting firm] has been retained by [foreign trade association] to provide a range of services promoting business and investment opportunities between the [foreign country] and the United States. Your firm's primary activity for [foreign trade association] will be to engage in activity to support the enactment of [text deleted]. This will include meetings with members of Congress and their staffs and officials of the Executive Branch of the United States.

Furthermore, your letter states that [foreign trade association] is a trade association organized under the laws of [foreign country] and that [foreign country] neither selects [foreign trade association] board members, nor directs, controls or funds any of the activities of [foreign trade association]. In addition, you stated that [foreign government] does not direct or control any of the activities or positions of [foreign trade association]. You also indicated that your firm's fees and disbursements are paid by [foreign trade association] and not directly by the [foreign government].

While you claim that the [foreign government] has no role in the direction, control, or financing of [foreign trade association] activities, an enclosure to your letter specifically indicates that “[foreign trade association] receives funds [text deleted], which is approximately equivalent to 10 million US dollars, from the [foreign government] for undertaking various perennial projects on behalf of the [foreign government], including but not limited to” projects that this Unit finds promote the political or public interests of [foreign country] in the United States.

This Unit does not agree with your conclusion that your firm is exempt under 22 U.S.C. § 613(h), and has determined that your firm is an agent of a foreign principal required to register under the Act as representing the [foreign government] through [foreign trade association].

If you have any questions, please contact me at (202) 514-1216.

Sincerely,

Heather H. Hunt, Chief
Registration Unit
Counterespionage Section
National Security Division