



**U.S. Department of Justice**

National Security Division

---

Washington, DC 20530

October 13, 2011

[addressee deleted]

Re: [text deleted]

Dear [name deleted]:

This responds to your letter of August 15, 2011, and attachment describing the agreement of your company with the [foreign government] to promote tourism in the [foreign] region. You request, pursuant to 28 C.F.R. § 5.2, an opinion from the Department of Justice as to whether the activities of your company and yourself on behalf of the Government of [foreign country] are exempt from registration under the Foreign Agents Registration Act of 1938, 22 U.S.C. § 611 *et seq.* (FARA or the Act). After reviewing your materials, we find [US company] and you are obligated to register under FARA for your activities on behalf of [foreign country]. There is a \$96 charge for this opinion as mandated by 28 C.F.R. §5.5 (8). We enclose a copy of the Act and the applicable regulations for your information and assistance in registering under FARA.

You are the owner of [US company], doing business as [US company dba]. On July 25, 2011, you entered into a Memorandum of Understanding with the [foreign government] to develop the [foreign region] area in [foreign country] into a world-class tourism district. Your company is the primary collaborating partner with [foreign country] in the United States and Canada "for promoting, securing of investment, and attracting tourists for international tourism of [foreign country]."

Your attention is directed to Section 1 of the Act which defines the terms used in the statute, including the terms "foreign principal" and "agent of a foreign principal." A "foreign principal" includes a government of a foreign country.

Furthermore, Section 1(c) of the Act defines "agent of a foreign principal" as "(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed or subsidized in whole in major part by a foreign principal, and who directly or through any other person--(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."

Political activity is defined in Section 1(o) of FARA as conduct engaged in to influence any government agency, government official or member of the public:(1) with reference to formulating, adopting, or changing the foreign or domestic policies of the United States, or (2) with reference to the political or public interests, policies or relations of a foreign country. Your company's tourism activities on behalf of [foreign government] fall within the second part of the definition of political activity.

A public relations counsel is a person who advises a foreign principal about public or political interests, according to Section 1(g) of FARA. Section 1(h) defines publicity agent as a person who publishes or disseminates certain information. An information-service employee is any person who disseminates or publishes data about the advantages or conditions of a foreign country, according to Section 1(i) of FARA. The activities of your company fit all of these definitions.

The Registration Unit of the National Security Division of the Department of Justice enforces and administers the Foreign Agents Registration Act of 1938. As you know, there are specific laws in the United States restricting trade and commerce with [foreign country]. Some of these prohibitions are enforced by the Department of Commerce and the Treasury Department's Office of Foreign Asset Control. This Unit's advisory opinion covers only the enforcement intentions of the Department of Justice concerning registration under FARA and covers no other area of the law. For any other information, please contact the Commerce Department or the Treasury Department's Office of Foreign Asset Control.

If you have any further questions, please call me at (202) 233-0777.

Sincerely,

Heather H. Hunt, Chief  
Registration Unit