



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

December 22, 2022

Via FedEx

[Name]

[Address]

Re: Request for an Advisory Opinion Pursuant to 28 C.F.R. § 5.2

Dear [Name]:

We write in response to your letter of November 8, 2022 (“November 8 Letter”), in which you request an advisory opinion, pursuant to 28 C.F.R. § 5.2, regarding your possible obligation to register pursuant to the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 *et seq.* (“FARA” or the “Act”). Based on our review of your request, we do not believe that you have an obligation to register at this time.

In the November 8 Letter, you describe several business transactions you intend to pursue with counterparts in a number of foreign countries. Noting first that you have been involved in export sales to 89 different countries, you propose to explore opportunities in [foreign country] in the fields of [text deleted], having established a relationship with its president, [redacted]. You also note that you would like to establish [text deleted] currency, backed by gold and pegged to the U.S. Dollar. You note in the November 8 Letter that you would like the [text deleted] currency you are creating to replace the currency used by [redacted]. You also describe proposed business activities in [foreign countries].

Generally speaking, save certain exemptions, a party is an “agent of a foreign principal” that must register under FARA if it acts “in any . . . 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 or in major part by a foreign principal and who directly or through any other person,” and within the United States:

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

Government of the United States.

See 22 U.S.C. § 611(c)(1).

Although the individuals and governments you identify in the November 8 Letter would be considered a “foreign principal” as defined by the Act, 22 U.S.C. § 611(b)(1), we do not observe that you have an agency relationship with these foreign principals in that you would not be acting at the direction, control, or request of the individuals or be engaging in the above-described activities. *See* 22 U.S.C. § 611(c)(1). Further, your proposed activities would all occur outside the United States, with no registrable activity within the United States proposed. Therefore, we conclude that you are not “an agent of a foreign principal” as defined by FARA.

Please note that our opinion, limited to the current applicability of FARA, is based solely upon the facts set forth in the November 8 Letter and must be revisited if any of the facts change. Please note that we make no representations as to the applicability or non-applicability of other U.S. laws.

If you have any questions regarding this matter, please contact the FARA Unit by telephone at (202) 233-0776 or by e-mail to FARA.Public@usdoj.gov.

Sincerely,

/s/ Jennifer K. Gellie

Jennifer Kennedy Gellie
Chief, FARA Unit