



PROJECT ON
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Project On Government Oversight

Loopholes, Filing Failures, and Lax Enforcement: How the Foreign Agents Registration Act Falls Short

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EXECUTIVE SUMMARY

The Foreign Agents Registration Act (FARA) requires that all American citizens working to influence U.S. policy on behalf of foreign governments register with the Department of Justice and to disclose information on any and all political activity in which they engaged for foreign clients. This includes filing, within 48 hours, any informational materials disseminated to two or more people.

The Project On Government Oversight examined thousands of these materials spanning four years, as well as additional public records related to the Justice Department's oversight of lobbyists for foreign interests. We found that lobbyists for foreign interests have routinely failed to comply with the law—a failure that prevents journalists and watchdogs from scrutinizing the lobbying activities while foreign interests are trying to influence U.S. policy. We found a pattern of lax enforcement of FARA requirements by the Justice Department. We found that the Justice Department office responsible for administering the law is a record-keeping mess. And we found loopholes in the law that often makes it difficult if not impossible for the government to police compliance or to discipline lobbyists who fail to comply.

Here are some highlights of our investigation:

- We set out to determine the extent to which lobbyists for foreign interests were filing lobbying materials at the Justice Department within the required time frame. Based on a review of filings made in 2012, in those instances where it was possible to answer the question, POGO estimates that almost half—46 percent—were filed late. Fifteen percent were filed more than 30 business days after they were distributed, and 12 percent were filed more than 100 business days after they were distributed.
- In many instances, the Justice Department would be hard pressed to enforce the filing deadline. Based on the records the Department maintains to enforce the law, we found that in more than a quarter (26 percent) of the 2012 filings, it was impossible to determine whether the lobbyists complied. For example, in many cases, the records did not show when the lobbyists disseminated the materials to the targets of their lobbying. In a glaring omission, the law does not require lobbyists to provide that information. Without it, there may be no way for the government or the public to know whether lobbying materials were filed on time.
- Though federal law bars foreign money from U.S. political campaigns, there appears to be a gray area in the law that can let in such money indirectly. POGO found many instances in which members of lobbying firms made political contributions to Members of Congress on the same day that those firms were lobbying the Members of Congress or their legislative staffs on behalf of foreign clients.¹
- Lobbyists who fail to comply with certain FARA requirements may have little to fear from the Justice Department. “The cornerstone of the Registration Unit’s enforcement

¹ “The Federal Election Campaign Act (FECA) prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive or accept contributions or donations from them.” Federal Election Commission, “Foreign Nationals.” <http://www.fec.gov/pages/brochures/foreign.shtml> (Downloaded May 13, 2013)

efforts is encouraging voluntary compliance,” a Justice Department website says.² When lobbyists do not voluntarily comply, the Justice Department rarely uses one of the key tools at its disposal to enforce the law—seeking a court injunction. A representative of the Department’s FARA unit told POGO: “While the FARA statute and regulations authorize the pursuit of formal legal proceedings, such as injunctive remedy options, the FARA Unit [has] not pursued injunctive remedy options recently and has instead utilized other mechanisms to achieve compliance.”³

- It appears that some registered foreign agents have been distributing materials but not filing them with the Justice Department. It’s unclear the extent to which that illustrates a lack of compliance with the law or loopholes in the law. In the process of researching this report, POGO noticed that many more lobbyists were registering as foreign agents than had filed informational materials that we could locate at the FARA office. To determine what was happening, we looked at a sampling of questionnaires that the Justice Department requires registered agents to complete every six months. Some checked one box indicating they had distributed materials and another box stating they did not file them with the FARA office.
- The law requires lobbyists for foreign interests to plainly and conspicuously identify themselves as such in any materials distributed in the course of their lobbying—for example, emails, other correspondence, or publications. We found that many documents filed with the Justice Department lack this identification statement; furthermore, many lobbyists admitted that they did not comply with this requirement. More than half (51 percent) of the registrants we examined in a sample from 2010 checked a box on a the semi-annual Justice Department questionnaire saying they had filed informational materials, and checked another box saying they had not met the legal requirement that they identify themselves in those materials as working on behalf of foreign interests.

Toby Moffett, a former Member of Congress from Connecticut who is now Chairman of the Moffett Group and one of its registered lobbyists, told POGO that “Around the edges there’s a lot of loosey-goosey stuff going on. People representing foreign interests and not reporting.”⁴

But even when lobbyists do report to the Justice Department, the information they provide is not easily accessible to the public. Astonishingly, informational materials are not available online, despite the fact that the Justice Department has an electronic filing system. Instead, these documents are kept in an office at the Justice Department that is only open for four hours each weekday. Hard copies of the documents are kept in folders that are often disorganized and susceptible to misfiling. This archaic system undermines the intended transparency of the law.

When lobbyists for foreign interests do not follow the law, when the U.S. government fails to enforce it, and when the Justice Department makes it difficult for the American people to access records to which they are legally entitled, the public is left in the dark. To bring more transparency to this opaque realm, POGO has made four years of informational materials

² Department of Justice, “FARA Frequently Asked Questions: Are There Criminal Penalties for Violating the Act?” <http://www.fara.gov/fara-faq.html#7> (Downloaded May 13, 2013)

³ Dean Boyd, spokesman for the Department of Justice, email message to Lydia Dennett, then-POGO Research Associate, “FW: Question on FARA Enforcement,” May 20, 2013.

⁴ Neil Gordon, telephone interview with Toby Moffett, September 19, 2014.

available for the first time online with our Foreign Influence Database, allowing the public to see how lobbyists attempt to influence American policies on behalf of their foreign clients.

INTRODUCTION

In his farewell address as President, George Washington cautioned the young United States to be “constantly awake” to “the insidious wiles of foreign influence.”⁵ Despite this early warning from the first leader of a nation forged from a commitment to self-rule, the foreign influence industry in the United States is thriving. Foreign interests—which are called foreign principals—include foreign governments, “political parties, persons or organizations outside the United States, except U.S. citizens, and any entity organized under the laws of a foreign country or having its principal place of business in a foreign country.”⁶ Currently foreign principals employ more than 1,000 American lobbyists and spend nearly half a billion dollars annually trying to influence U.S. policymaking and public opinion.⁷

This industry is regulated by the Foreign Agents Registration Act (FARA), which, along with the revisions to it, is described on a Justice Department website as a “disclosure statute that requires persons acting as agents of foreign principals in a political or quasi-political capacity to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities.”⁸

The FARA Registration Unit, housed in the Department of Justice (DOJ), provides the public with access to these disclosures and has made most filings available online, with one notable exception: informational materials.⁹ Formerly called political propaganda, these informational materials are the actual documents and other items lobbyists send to the policymakers they’re trying to influence.¹⁰ FARA registrants who distribute material—including emails, letters, and drafts of proposed legislation—on behalf of their foreign client to two or more people are required to file two copies of those informational materials with the Attorney General within 48 hours of distributing it.¹¹

With the release of the Foreign Influence Database, the Project On Government Oversight (POGO) is making years of documents from this key set of FARA filings electronically available for the first time. The materials were previously only available in hard copy at the FARA

⁵ Farewell Address of George Washington, President of the United States, to the people of the United States, September 19, 1796. <http://www.gpo.gov/fdsys/pkg/GPO-CDOC-106sdoc21/pdf/GPO-CDOC-106sdoc21.pdf> (Downloaded June 6, 2013)

⁶ Department of Justice, “FARA Frequently Asked Questions: Are Foreign Government the Only Foreign Principals?” <http://www.fara.gov/fara-faq.html#3> (Downloaded December 1, 2014)

⁷ Industry spending figures calculated by POGO in our analysis of FARA Semi-Annual Reports to Congress. Department of Justice, “FARA: Foreign Agents Registration Act,” <http://www.fara.gov/> (Downloaded May 13, 2013) (Hereinafter “FARA: Foreign Agents Registration Act”); Department of Justice, *Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending June 30, 2012*. http://www.fara.gov/reports/SAR_JUNE_2012.pdf (Downloaded June 6, 2013)

⁸ “FARA: Foreign Agents Registration Act”

⁹ Department of Justice, “FARA Document Search,” <http://www.fara.gov/search.html> (Downloaded June 6, 2013)

¹⁰ Department of Justice, “FARA Frequently Asked Questions: How Does the Act Work?” <http://www.fara.gov/fara-faq.html#4> (Downloaded May 13, 2013)

¹¹ 22 U.S.C. § 614(a); Department of Justice, “FARA Index and Act.” <http://www.fara.gov/indx-act.html> (Downloaded May 13, 2013)

Registration Unit in Washington, DC, which is only open to the public from 11am to 3pm on weekdays.¹² In this digital age it is surprising that these materials could not be read online and are instead stored in file folders, where they are disorganized and susceptible to misfiling. Even those that were electronically filed by the registrants are not available to the public in an electronic format. POGO's database includes informational materials filed in 2009, 2010, 2011, and 2012.¹³

The Foreign Influence Database includes more than 2,000 documents filed by registered firms and individuals working on behalf of foreign principals. The documents have not been redacted and are the exact materials used by registrants to influence the U.S. government or U.S. public opinion on behalf of their foreign clients. Many of the documents are email correspondence between lobbyists and legislative staffers. While these emails can, at times, be fairly innocuous, they show the subtleties of influence-peddling for foreign principals, illustrating connections between the policymaker and the lobbying firm or the foreign interest it is representing. The database includes draft statements for the Congressional Record, proposed legislation, and even scripts for congressional hearings, all distributed by the agents of foreign principals.¹⁴

In short, the database allows users to see how lobbyists, in their own words, attempt to wield influence on behalf of their foreign clients.

The difficulties in obtaining FARA documents are nothing new. The Center for Public Integrity has repeatedly called out the FARA office for its "Byzantine operation" and reluctance to provide electronic versions of its documents.¹⁵ In addition to POGO, other organizations have created resources that can help stakeholders analyze foreign lobbying. Sunlight Foundation and ProPublica created "ForeignLobbying.org," which has since evolved into Sunlight Foundation's "Foreign Influence Explorer."¹⁶ That database contains records the FARA office has already put online, but makes it possible to access them in simpler, more intuitive, and more useful ways.

Other resources previously available to the public on foreign lobbying include the FARA.gov and Ethics.gov websites, which host documents such as registration statements and yearly contracts between lobbyists and their foreign clients.¹⁷ POGO's Foreign Influence Database

¹² Department of Justice, "FARA Contact Information." <http://www.fara.gov/contact.html>

¹³ POGO began its research in 2011, but determined that both time and resource constraints mandated a limited scope. We decided that the most recent information would be the most relevant, so focused on 2012, 2011, 2010, and 2009. Some files from 2008 were also included. POGO may continue to update the database periodically. It is important to note that not all informational materials are included in POGO's Foreign Influence Database. Some filings were in formats not readily scanned. Thus, the Database does not include CDs, clothing, videos, books, magazines, or tourism pamphlets or brochures. A list of all the informational materials filed from 2009 to 2012 that are not included in POGO's Database can be found at <http://www.pogoarchives.org/m/fara/non-scanned-docs.pdf>

¹⁴ To get their perspective, POGO attempted to contact lobbying firms or lobbyists named in this report and parties that they lobbied. Many did not respond to our requests and some declined to comment. Where comments were relevant to this report, we included them.

¹⁵ The Center for Public Integrity, "Timely, effective and fair? Justice Department makes a valuable public database all but inaccessible," September 13, 2005. <http://www.publicintegrity.org/2005/09/13/6559/timely-effective-and-fair> (Downloaded December 2, 2014)

¹⁶ Sunlight Foundation, "Foreign Influence Explorer." <http://foreign.influenceexplorer.com/> (Downloaded December 2, 2014)

¹⁷ "FARA: Foreign Agents Registration Act"

complements this work by providing users with access to the materials used in the attempts to sway policymakers' decisions and public opinion. The materials provide insights into the dealings between foreign principals, their lobbyists, and policymakers, a level of lobbying transparency that was previously unavailable.

BACKGROUND

While the law now requires those working in the foreign influence industry to disclose many of their activities,¹⁸ this was not always the case. Despite George Washington's concerns, there was no public law regarding transparency of foreign influence until Congress passed FARA in 1938.¹⁹

At the time, Congress was concerned about propaganda circulated in the U.S. by the Nazi Party and other foreign interests. The House Un-American Activities Committee—later known for its anti-Communist witch hunts—had found “incontrovertible evidence...that there are many persons in the United States representing foreign governments or foreign political groups, who are supplied...with funds and other materials to foster un-American activities.” The Committee urged Congress to pass a law requiring more disclosure of propaganda activities “so that the American people may know those who are engaged in this country by foreign agencies to spread doctrines alien to our form of government.”²⁰

While the Act originally focused on propagandists, amendments in 1966 expanded FARA to focus more heavily on defending the U.S. government's decision-making process.²¹ Among other things, they required anyone engaging in political activities, not just propaganda distribution, on behalf of a foreign principal to register with the U.S. government. The amendments also banned all foreign nationals from making political contributions.

Lobbyists working on behalf of foreign clients occupy a significant, but often overlooked, portion of the U.S. lobbying marketplace.

¹⁸ According to the FARA Registration Unit, the Act requires disclosure of a “relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities.” “FARA: Foreign Agents Registration Act”; In addition, registrants must disclose the name of all advocates working on behalf of a foreign client; all political contributions made by registered foreign agents; all political activity conducted during their work for a foreign client; and all informational materials distributed on behalf of a foreign client. Department of Justice, “FARA Reports to Congress.” <http://www.fara.gov/annualrpts.html> (Downloaded May 13, 2013) (hereinafter “FARA Reports to Congress”)

¹⁹ “FARA: Foreign Agents Registration Act”

²⁰ Ava Marion Plakins, “Heat Not Light: The Foreign Agents Registration Act After *Meese v. Keene*,” *Fordham International Law Journal*, Vol. 11, Issue 1, 1987, pp. 190-191. <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1174&context=ilj> (Downloaded August 1, 2013)

²¹ Department of Justice, Criminal Resource Manual 2062, “Foreign Agents Registration Act Enforcement.” http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm02062.htm (Downloaded May 13, 2013) (Hereinafter “Foreign Agents Registration Act Enforcement”)

Foreign principals spend about half a billion dollars annually. From 2009 to 2012 foreign principals spent about \$2 billion on lobbying in the U.S.²² In comparison, domestic lobbying clients spent about \$14 billion lobbying the federal government over the same time period.²³

The foreign influence industry is notably different from other advocacy. For instance, foreign influence is just that—foreign. It does not stem from the interests of U.S. citizens, and any positive impact it has on them is purely coincidental. While lobbyists, in general, are even less popular than the remarkably unpopular Congress,²⁴ lobbyists working for even the narrowest of domestic interests represent at least some U.S. voters. However, those representing foreign clients are putting foreign interests and goals first, regardless of any benefit—or harm—that might result for U.S. citizens.

The rules for lobbyists representing foreign interests differ from those for lobbyists representing domestic interests in an important way: FARA’s disclosure requirements require a significantly higher level of detail. The law that governs disclosures by lobbyists for domestic interests, the Lobbying Disclosure Act of 1995 (LDA), requires lobbyists to report only an up-to-date list of clients, who they contacted, the issue they are lobbying on including specific bill numbers or executive orders, and a “good faith estimate” of expenses the lobbyists incurred while working for their clients.²⁵ The FARA requires all of this and more, such as:

- The materials they distribute to the targets of their lobbying
- Copies of their contracts with their foreign clients
- Semiannual “Supplemental Statements” which contain, among many other things, any political contributions they’ve made

However, there are also major gaps in the FARA requirements. The Supplemental Statements do not require registrants to provide the names of the recipients of informational materials or the dates the materials were sent. The registrants are also not explicitly required to provide specific information about their meetings or contacts with policymakers, such as who they met with or what they discussed, though some registrants choose to provide these details.

Nonetheless, the level of transparency required by FARA, if complied with, has the potential to afford the public the opportunity for many more avenues of oversight than are available under the LDA. For instance, using the FARA data, POGO has been able to document numerous instances of lobbyists making campaign contributions to politicians on the same day they meet with them to discuss matters of interest to a foreign client.²⁶ Examples of such “same-day contributions” are explored later in this report.

²² Industry spending figures calculated by POGO during our analysis of FARA Semi-Annual Reports to Congress.

²³ Center for Responsive Politics, “Lobbying Database,” <https://www.opensecrets.org/lobby/index.php> (Downloaded December 15, 2014)

²⁴ Tom Jensen, “Congress less popular than cockroaches, traffic jams,” *Public Policy Polling*, January 8, 2013. <http://www.publicpolicypolling.com/main/2013/01/congress-less-popular-than-cockroaches-traffic-jams.html> (Downloaded May 13, 2013)

²⁵ U.S.C. § 1604, (a)(3)(B)(ii) <http://www.law.cornell.edu/uscode/text/2/1604> (Downloaded December 2, 2014)

²⁶ For example, *The Foreign Policy Auction*, by former POGO Investigator Ben Freeman, provides numerous additional examples of lobbyists making campaign contributions to politicians on the same day they meet to discuss the lobbyist’s foreign client. Ben Freeman, *The Foreign Policy Auction*, CreateSpace Independent Publishing Platform, September 25, 2012.

WHAT THE FOREIGN INFLUENCE DATABASE SHOWS

Some of the documents in the Foreign Influence Database reveal how lobbyists working on behalf of foreign governments draft speeches, scripts for hearings, and even proposed legislation.

POGO, as do many other public interest groups, non-profits, and businesses, lobbies Congress and provides these kinds of materials to policymakers as well. The difference is that these lobbyists are not working for the American public's interest; they are working for foreign interests.

For example, The Livingston Group, whose founding partner is former Chairman of the House Appropriations Committee Robert Livingston (R-LA), has represented some controversial foreign clients, including the Government of Egypt during the 2011 Egyptian Revolution.

Egypt: A Case Study of Foreign Influence

When the 2011 revolution in Egypt began in January, many Egyptians were clamoring for the United States to shift allegiance from the corrupt Mubarak regime and instead support the revolutionaries. "To those in the United States and in the West who are quoting stability as an excuse for brutality... You have to change your mentality," Mokhtar Kamel, vice president of the Coalition of Egyptian Organizations in North America, said to a group at the National Press Club just days after the revolution began.²⁷ "When an oppressed people rises against a tyrant, fighting incredible odds and facing extreme danger, it deserves support," wrote Hassan ElSawaf, an Egyptian and guest blogger for the Council on Foreign Relations.²⁸

What Kamel, ElSawaf, and the hundreds of thousands of Egyptians who had taken to the streets in Egypt likely did not know was that lobbyists had been working for the Egyptian government to suppress efforts by U.S. policymakers, such as the one led by Senators Russell Feingold (D-WI) and John McCain (R-AZ), to reprimand Hosni Mubarak and his regime in Egypt, according to FARA records.

Six months before the revolution began, on July 20, 2010, the Senators had introduced Senate Resolution 586, "A resolution supporting democracy, human rights, and civil liberties in Egypt."²⁹ Thirteen other Senators joined them as co-sponsors.³⁰ The resolution chastised the

²⁷ CNN Wire Staff, "Egyptian-American leaders call for U.S. support of 'Lotus Revolution,'" January 28, 2011. http://articles.cnn.com/2011-01-28/world/egypt.press.club_1_saad-eddin-ibrahim-egyptian-american-egyptian-people?_s=PM:WORLD (Downloaded May 13, 2013)

²⁸ Hassan ElSawaf, "One Egyptian's Advice to Washington," Steven A. Cook: From the Potomac to the Euphrates, Council on Foreign Relations, May 4, 2011. <http://blogs.cfr.org/cook/2011/05/04/one-egyptians-advice-to-washington/> (Downloaded May 13, 2013)

²⁹ 111th U.S. Congress, "A resolution supporting democracy, human rights, and civil liberties in Egypt" (S. Res. 586), Introduced July 20, 2010, by Senator Russell Feingold. <http://www.gpo.gov/fdsys/pkg/BILLS-111sres586is/pdf/BILLS-111sres586is.pdf> (Downloaded May 14, 2013) (Hereinafter S. Res. 586)

³⁰ The Library of Congress, THOMAS, "Bill Summary & Status 111th Congress (2009 - 2010) S.RES.586 Cosponsors," <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:S.RES.586:@@P> (Downloaded August 22, 2013)

Mubarak regime for its harassment, intimidation, detention, and violence against peaceful demonstrators, journalists, human rights activists, and bloggers, and the Mubarak regime's extension of emergency law, which allowed for indefinite detention without cause. The resolution stated, "Political reform in Cairo would significantly enhance the leadership of Egypt throughout the Middle East and Africa and could help ensure constructive political engagement in these regions for years to come."³¹ It called upon the Egyptian government to put a halt to its malicious practices and called upon President Obama and then-Secretary of State Hillary Clinton to "help promote human rights and democratic reform, including by providing appropriate funding to international and domestic election observers, as well as to civil society organizations for democracy and governance activities."³²

Had this resolution passed it might have eased concerns Egyptian revolutionaries had about an initially ambivalent stance from the United States. They would have known beyond a doubt that at least some policymakers in the United States were publicly supporting democracy and human rights in Egypt.

However, The Livingston Group, working on behalf of the Egyptian government, fought to ensure that this resolution remained bottled up in the Senate Committee on Foreign Relations. The firm sent letters written by Livingston to Members of the House and Senate and to Secretary Clinton that condemned the resolution.³³ According to the letters, the firm was writing in response to plans by Senators Feingold and McCain to "hot-line" the resolution in the lame duck session in late 2010. The "hot-line" is a process in the Senate by which measures are expedited for approval. Leadership for the Majority and the Minority send an email to Senate offices, and if there are no objections, the bill is formally offered and advanced by unanimous consent—in other words, without a roll-call vote.

The bill had stagnated since introduction, and the co-sponsors were hoping to push it through before the end of the year and the 111th Congress when the bill would die without congressional action (and, as it turns out, just before the revolution began). Livingston's letters asked for opposition to the resolution in Committee and if brought to a Floor vote because, "S. Res. 586 is not conducive to the ongoing, open and frank dialogue on issues related to democracy and human rights undertaken by our Administration and the Egyptian government." (Emphasis in original) One version of the letter noted that Mubarak, who was 82 years old, would be up for reelection the next year and implied that the outcome was uncertain, though it did not mention the fact that Mubarak won the last election with more than 88 percent of the vote.³⁴ "We can't

³¹ S. Res. 586

³² S. Res. 586

³³ The letters to the Members of Congress do not indicate to which Senators and Representatives they were sent, or how many letters were sent. Letters from Robert Livingston, founding partner of the Livingston Group, L.L.C., to Members of the House and Senate, regarding S. Res. 586, pp. 2-7. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/333053-egypt-the-livingston-group-llc-the-government-of.html> (Hereinafter Letters from Robert Livingston regarding S. Res. 586)

³⁴ Daniel Williams, "After Egypt's Vote, a Surge of Skepticism," *The Washington Post*, September 11, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/09/10/AR2005091001014.html> (Downloaded August 13, 2013)

say what will happen then. But the Muslim Brotherhood is out there, and any statement of criticism by the US is used against the government,” wrote Livingston.³⁵

Neither Robert Livingston nor The Livingston Group responded to multiple requests for comment.

It appears that these letters were filed with the FARA Registration Unit weeks after they were distributed. Livingston apparently sent them, according to the letters, as the Senate “reconvenes for the lame-duck session.”³⁶ The lame-duck session in 2010 officially began on November 15.³⁷ The FARA Registration Unit, which date-stamps all documents it receives from registrants, recorded a date of January 31, 2011, on all the letters. This is, of course, more than the legally mandated 48 hours after sending the letters. It is also after the revolution began in Egypt and Tahrir Square was occupied by protesters clamoring for democracy.

A section in FARA, 22 U.S.C. § 614(a), specifies that any foreign agent distributing informational materials “which he believes will be, or which he intends to be, disseminated or circulated among two or more persons shall, not later than forty-eight hours after the beginning of the transmittal thereof, file with the Attorney General two copies thereof.”³⁸ Violation of this requirement is punishable “by a fine of not more than \$10,000 or by imprisonment for not more than five years, or both.”³⁹

While this might seem like stiff punishment, consider the context of the events that unfolded in Egypt: if outside observers had been made aware of The Livingston Group’s efforts and seen the letters, they might have been able to counter the efforts to undermine the legislation. But The Livingston Group did not file the materials on time. POGO searched civil and criminal filings in PACER, the online index to federal court cases, and found no reference to enforcement action against The Livingston Group or Robert Livingston. As it was, the resolution never made it out of Committee. We will never know whether, had The Livingston Group filed this material on time, the resolution might have had a fighting chance, or if the resolution might even have influenced the course of events.

In representing the firm’s foreign clients, The Livingston Group has also drafted legislative language for proposed use by Members of Congress.

Working on behalf of Muammar Gaddafi’s Libya in 2008, the firm wrote draft language for a committee report and a script for a congressional hearing regarding Libya.⁴⁰ The language

³⁵ Letters from Robert Livingston regarding S. Res. 586

³⁶ Letters from Robert Livingston regarding S. Res. 586

³⁷ Richard S. Beth and Jessica Tollestrup, *Lame Duck Sessions of Congress, 1935-2012 (74th-112th Congresses)*, Congressional Research Service, September 19, 2014, p. 27.

<http://www.senate.gov/reference/resources/pdf/RL33677.pdf> (Downloaded December 2, 2014)

³⁸ 22 U.S.C. § 614(a)

³⁹ Enforcement and penalties are found in § 618 of the Act. 22 U.S.C. § 618

⁴⁰ The Livingston Group, L.L.C., “Draft Report Language Regarding Libya” (Draft), p. 4.

<http://www.pogo.org/tools-and-data/foreign-influence-database/data/608812-scan7338-000.html> (Hereinafter “Draft Report Language Regarding Libya”); The Livingston Group, L.L.C., “Colloquy Regarding Libya” (Draft), p. 5.

<http://www.pogo.org/tools-and-data/foreign-influence-database/data/608812-scan7338-000.html>

praised Libya for normalizing its relations with the Western world, raised alarms about legislation that would potentially increase Libya's liability to victims of the country's terrorist attacks, and urged Congress to take action to allow President George W. Bush to exempt Libya from providing additional restitution. The Draft Report Language Regarding Libya states:

“The Committee recognizes the importance of this issue as a foreign policy and national security issue as indicated by the joint letter of March 18, 2008 from the Secretaries of State, Defense, Energy, and Commerce, and the negative impact that Section 1083 of Public Law 110-181 may have upon achieving a final resolution of this matter and on the larger U.S.-Libya relations. The Committee notes that Libya was removed from the list of State Sponsors of Terrorism in 2006 and believes that the U.S. Government must be equitable in dealing with this new, important strategic partner.”⁴¹

The firm also distributed a draft version of a “Proposed Waiver for Former State Sponsors” of terrorism.⁴² On August 4, 2008, the Libyan Claims Resolution Act—which gave Libya immunity from terror-related lawsuits in exchange for a settlement agreement to compensate victims—was signed into law.⁴³ Although the exact language proposed by The Livingston Group was not included in that law or used by Members of Congress during a hearing or in a report, the final outcome was favorable for the firm's foreign client, the Great Socialist People's Libyan Arab Jamahiriya—the official name of Gaddafi's regime.⁴⁴ That legislation paved the way for a deal that required Libya to compensate U.S. victims and, in turn, enabled it to avoid liability in terror-related lawsuits.⁴⁵ Some of the families of the victims of the Gaddafi regime—particularly those of UTA Flight 772, which exploded over the Sahara desert and killed 170 people—felt they were cheated by the deal.⁴⁶

As with the domestic variety, not all foreign lobbying efforts pay off. In May 2011, lobbyist Sean King of Park Strategies, LLC sent an email to an aide to Senator John Thune (R-SD) asking if Thune would consider signing a letter urging President Obama to sell F-16 fighter jets to Taiwan. In his email, King dropped the name of his boss—a once prominent Washington politician who had gone through the revolving door: “I work at Park Strategies, a business

⁴¹ “Draft Report Language Regarding Libya”

⁴² The Livingston Group, L.L.C., “Proposed Waiver for Former State Sponsors,” p. 7. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/608811-scan7339-000.html>

⁴³ Libyan Claims Resolution Act, Public Law 110-301, U.S. Statutes at Large 2999 (2008): 2999.

<http://www.gpo.gov/fdsys/pkg/PLAW-110publ301/html/PLAW-110publ301.htm> (Downloaded May 21, 2013)

⁴⁴ Jennifer K. Elsea, Congressional Research Service, *CRS Report for Congress: Suits Against Terrorist States by Victims of Terrorism*, August 8, 2008, pp. 62-65. <http://www.fas.org/sgp/crs/terror/RL31258.pdf> (Downloaded May 21, 2013)

⁴⁵ BBC News, “Libya compensates terror victims,” October 31, 2008.

<http://news.bbc.co.uk/2/hi/americas/7703110.stm> (Downloaded May 22, 2013); Executive Order no. 13477 – Settlement of Claims Against Libya, Code of Federal Regulations, October 31, 2008.

<http://www.gpo.gov/fdsys/pkg/WCPD-2008-11-03/pdf/WCPD-2008-11-03-Pg1395-2.pdf> (Downloaded August 1, 2013)

⁴⁶ Sophie Quinton, “Qaddafi's Victims Hope for Compensation from Frozen Funds,” *National Journal*, September 14, 2011. <http://www.nationaljournal.com/nationalsecurity/qaddafi-s-victims-hope-for-compensation-from-frozen-funds-20110914?print=true> (Downloaded May 22, 2013); Christopher M. Blanchard, Jim Zanotti, Congressional Research Service, *Libya: Background and U.S. Relations*, February 18, 2011, p. 37.

<http://fpc.state.gov/documents/organization/157348.pdf> (Downloaded August 22, 2013)

advisory firm managed by former U.S. Senator Alfonse M. D’Amato of New York,” King wrote.⁴⁷

Two days later, King got his answer.

“Our office is going to pass on this letter,” Thune aide James E. Long wrote. “Thank you for all the information to help us decide.”⁴⁸

Sean King and Park Strategies declined to comment on their work for the Taipei Economic and Cultural Representative Office in the United States.

The documents in POGO’s Foreign Influence Database vary as widely as the countries they involve. Some of the foreign money paid to Washington lobbying firms is spent on public relations products such as newsletters and news releases that seem essentially devoid of news and are unlikely to be read by—let alone make much of an impression on—anyone but the sponsors. The biggest mystery about those is why foreign clients would pay for them.

Many of the lobbyists are hired by foreign entities to promote tourism in their country, while others are hired to promote favorable trade deals.

American Palm Oil Council, for instance, is a FARA registrant representing the Malaysian Palm Oil Council. In August 2012, American Palm Oil Council filed a 50-page document filled with articles and advertisements touting the benefits of palm oil. The documents describe palm oil as “The Heart Healthier Choice” and features graphs showing demand for palm oil skyrocketing in several countries.⁴⁹ Palm oil is one of the most widely consumed vegetable oils in the world and is used in many kinds of products, from chocolate and crackers to make-up and biodiesel.⁵⁰ The

⁴⁷ Sean King, email message to Jim Long, legislative assistant to Senator John Thune, “Re: Taiwan F-16 letter,” May 23, 2011. http://www.pogo.org/tools-and-data/foreign-influence-database/data/215732-taiwan_park-strategies-llc_taipei-economic-amp.html

⁴⁸ Jim Long, email message to Sean King, Park Strategies, “Re: Taiwan F-16 letter,” May 25, 2011. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/289779-taiwan-park-strategies-llc-taipei-economic-amp.html>

⁴⁹ For FARA filings that include multiple documents, the Project On Government Oversight will cite them by the filing as a whole. The date refers to the FARA office’s date stamp from the day they received the filing. Filing by American Palm Oil Council, regarding the Malaysian Palm Oil Council, August 23, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/898513-malaysia-american-palm-oil-council-malaysian.html>

⁵⁰ World Wildlife Fund, “Which Everyday Products Contain Palm Oil?” <http://www.worldwildlife.org/pages/which-everyday-products-contain-palm-oil> (Downloaded December 2, 2014)

health effects of palm oil have been debated for decades⁵¹ but it is clear that American Palm Oil Council was promoting a positive image for one of Malaysia's biggest exports.⁵²

Lobbyists' promotion of their foreign clients often involves legislation. Then-Senator Daniel Inouye (D-HI) introduced legislation to provide payments to the Pottawatomi Nation in Canada on several occasions. In 2008, his efforts were aided by Native American Rights Fund, which responded to Senator Inouye's office's request for edits to a draft bill to "provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States."⁵³ Senator Inouye introduced a bill that included those edits verbatim.⁵⁴ Lobbyists working for Native American Rights Fund also provided edits to the Senator's introductory statement for the bill. Those edits were incorporated into the Senator's remarks attached to the bill in 2009,⁵⁵ and again in nearly identical form in his remarks when the bill was reintroduced in 2011.⁵⁶

This particular FARA filing clearly shows a back-and-forth editing process between Senator Inouye's office and the Native American Rights Fund. On December 8, 2008, one of Senator Inouye's staff members wrote, "attached is the draft bill along with the Senator's draft statement. Could you please take a look at them and let me know if they are good to go." Richard Guest, Staff Attorney for the Native American Rights Fund, said in reply: "The bill is fine as drafted, but I have made a few red-line changes to the draft statement (copy attached)... Please let me know if you have any questions or concerns." He highlighted one change in particular, saying, "This slight change may help us in the Senate Judiciary Committee with their concerns regarding whether this [is] a new appropriation or whether payment will be made by Treasury from existing appropriations already made to the Judgment Fund (31 USC 1304) for the payment of claims against the United States."⁵⁷

⁵¹ Pramod Khosla and K. C. Hayes, "Cholesterolaemic effects of the saturated fatty acids of palm oil," *Food and Nutrition Bulletin*, Vol. 15, Number 2, 1993/1994. <http://www.nzdl.org/gsd/mod?e=d-00000-00---off-0fnl2.2--00-0---0-10-0---0---0direct-10---4-----0-11--11-en-50---20-about---00-0-1-00---4-4---0-0-11-11-OutfZz-8-10-00&a=d&cl=CL3.66&d=HASHa9c39b1c5658d0c2552d1b.2.3> (Downloaded December 2, 2014); Department of Agriculture, Agricultural Research Service, "Palm Oil Not A Healthy Substitute For Trans Fats, Study Finds." *ScienceDaily*, May 11, 2009. <http://www.sciencedaily.com/releases/2009/05/090502084827.htm> (Downloaded December 2, 2014)

⁵² Malaysia External Trade Development Corporation, "Top 10 Major Export Products, 2014." <http://www.matrade.gov.my/en/malaysia-exporters-section/33-trade-statistics/3184-top-10-major-export-products-2014> (Downloaded December 2, 2014)

⁵³ 111th U.S. Congress, "A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States," (Draft legislation), Introduced January 6, 2009, by Senator Daniel Inouye, pp. 2-3. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/264891-canada-native-american-rights-fund-pottawatomi.html>

⁵⁴ 111th U.S. Congress, "A bill to provide relief to the Pottawatomi Nation in Canada for settlement of certain claims against the United States," (S. 65), Introduced January 6, 2009, by Senator Daniel Inouye. <http://www.gpo.gov/fdsys/pkg/BILLS-111s65is/pdf/BILLS-111s65is.pdf> (Downloaded May 14, 2013)

⁵⁵ Statement of Senator Daniel K. Inouye, on the introduction of a bill to provide relief for the Pottawatomi Nation in Canada, pp. 4-9. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/264891-canada-native-american-rights-fund-pottawatomi.html> (Hereinafter Draft Statement of Senator Daniel K. Inouye Provided by the Native American Rights Fund)

⁵⁶ Senator Inouye, speaking on the introduction of S. 65, on January 25, 2011, S. 65, 111th U.S. Congress, 1st Session, Congressional Record 128, pt. 2: 46, pp. S173-S174. <http://www.gpo.gov/fdsys/pkg/CREC-2011-01-25/pdf/CREC-2011-01-25-pt1-PgS128-2.pdf#page=46> (Downloaded May 14, 2013) (Hereinafter Senator Inouye speaking on the introduction of S. 65)

⁵⁷ Draft Statement of Senator Daniel K. Inouye Provided by the Native American Rights Fund, p. 1.

Guest provided text for Senator Inouye to use in an introductory statement: “The bill I introduce today is to authorize the payment of those funds that the United States has concluded would be ‘fair, just and equitable’ to satisfy this legal claim from amounts appropriated under section 1304 of title 31 of the United States Code.”⁵⁸

When Senator Inouye introduced the bill on January 9, 2009, he did, in fact, use that same exact language.

When he was contacted by POGO, Guest said that that the Native American Rights Fund had been working with Senator Inouye on this legislation before Guest began working at the organization. “Proposed legislation is prepared by lobbyists all the time,” Guest said. “But it’s the legislative counsel’s job to draft the final legislation—they make the final decision.” He added: “It’s not unusual for us to comment back and forth when there’s a new legislative session.”⁵⁹

SAME-DAY CONTRIBUTIONS

Foreign lobbyists work for their clients in all kinds of ways, but one of the most common is a face-to-face meeting with a Member or someone on their staff. Sometimes lobbyists make contributions on the same day that they meet with lawmakers on behalf of their foreign clients. These meetings and political contributions must be disclosed in the registrant’s semiannual Supplemental Statements. As observers quoted by Dan Froomkin said in his 2011 *Huffington Post* article on foreign lobbying, the amounts foreign lobbyists donate may not be jaw dropping, but the phenomenon does, at the very least, give the appearance of a *quid pro quo* relationship.⁶⁰

For example, on July 9, 2008, Robert Livingston “had occasion to meet with” Representative Dana Rohrabacher (R-CA) and Ambassador David Welch, Assistant Secretary of State for Near Eastern Affairs, to discuss U.S./Libya relations, The Livingston Group said in a FARA filing.⁶¹ In the same document, Livingston reports making a \$1,000 campaign contribution to Rohrabacher on the same day.⁶² This was the only contribution made by anyone at The Livingston Group to Rohrabacher in 2008, and this was the first time in 2008 that Livingston reported contacting Rohrabacher on behalf of any of his foreign clients.

⁵⁸ Draft Statement of Senator Daniel K. Inouye Provided by the Native American Rights Fund, p. 1.

⁵⁹ Neil Gordon, telephone interview with Richard Guest, October 10, 2014.

⁶⁰ Dan Froomkin, “How Foreign Money Can Find Its Way Into Political Campaigns,” *The Huffington Post*, July 18, 2011. http://www.huffingtonpost.com/2011/07/18/foreign-money-campaign-finance-lobbying_n_897189.html (Downloaded November 19, 2014)

⁶¹ The Livingston Group, L.L.C., “Supplemental Statement,” September 25, 2008, p. 32. <http://www.fara.gov/docs/5356-Supplemental-Statement-20080925-7.pdf> (Downloaded January 28, 2014) (Hereinafter Livingston Group Supplemental Statement September 2008)

⁶² Livingston Group Supplemental Statement September 2008, p. 81.

While Livingston may be one of the most well-known advocates for foreign governments,⁶³ he's just one of many foreign lobbyists who have made "same day contributions."

In 2009, Cristina E. Antelo was working for DLA Piper, and, like Livingston, made contributions to legislators on the same day she met with them to discuss the agenda of a foreign client, the United Arab Emirates (UAE). In fact, Antelo reported making contributions to three legislators on the same day she contacted them on behalf of her client.

The UAE was hoping to push through a controversial deal that would bring nuclear materials to the country.⁶⁴ While the so-called 123 Agreement was designed to supply the UAE with civilian nuclear materials,⁶⁵ many lawmakers were reluctant to back the deal given the country's location in the volatile Middle East.⁶⁶ The emirate Dubai was once a transit hub for A.Q. Khan's nuclear proliferation network.⁶⁷

During a two-week period in February 2009, Antelo, on behalf of the UAE, contacted and made campaign contributions to three policymakers on the same day, according to disclosures filed with the FARA office.⁶⁸ Representative Robert Wexler (D-FL) received \$100, Representative Ciro Rodriguez (D-TX) received \$200, and Senator Kirsten Gillibrand (D-NY) received \$100.

Antelo wasn't the only DLA Piper lobbyist representing a foreign client who reported making a contribution to a Member of Congress on the same day the lobbyist contacted the Member or the Member's staff. On just one day, New Year's Eve 2007, four DLA Piper lobbyists representing foreign clients made contributions to then-Senator Hillary Clinton (D-NY),⁶⁹ whose office the firm had called that day on behalf of a foreign client. The total amount they contributed on that day was \$4,250.⁷⁰

⁶³ Anupama Narayanswamy and Luke Rosiak, Sunlight Foundation; Jennifer LaFleur, ProPublica, "Opening the Window on Foreign Lobbying," ProPublica, August 18, 2009. <http://www.propublica.org/article/opening-the-window-on-foreign-lobbying-718> (Downloaded January 29, 2014); Jonathan Tilove, "Former Rep. Bob Livingston has been a top lobbyist for Egypt in Washington," *The Times-Picayune*, February 2, 2011. http://www.nola.com/politics/index.ssf/2011/02/former_rep_bob_livingston_has.html (Downloaded January 29, 2014)

⁶⁴ DLA Piper LLP (U.S.), "Supplemental Statement," March 30, 2009, p. 77. <http://www.fara.gov/docs/3712-Supplemental-Statement-20090330-8.pdf> (Downloaded January 29, 2014) (Hereinafter DLA Piper Supplemental Statement March 20, 2009)

⁶⁵ Christopher M. Blanchard and Paul K. Kerr, Congressional Research Service, *The United Arab Emirates Nuclear Program and Proposed U.S. Nuclear Cooperation*, December 20, 2010, p. 5. <http://www.fas.org/sgp/crs/nuke/R40344.pdf> (Downloaded January 29, 2014)

⁶⁶ 111th U.S. Congress "Limitation on Nuclear Cooperation with the United Arab Emirates Act of 2009" (H.R.364), Introduced January 9, 2009, by Representative Ileana Ros-Lehtinen. <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:H.R.364:@@P> (Downloaded January 29, 2014)

⁶⁷ A.Q. Khan, "A.Q. Khan's Thirteen-Page Confession," FoxNews.com. <http://www.foxnews.com/world/2011/09/15/aq-khans-thirteen-page-confession/> (Downloaded January 29, 2014)

⁶⁸ DLA Piper Supplemental Statement March 20, 2009, p. 60, p. 69.

⁶⁹ DLA Piper, LLP, "Supplemental Statement," April 14, 2009, pp. 104-108. <http://www.fara.gov/docs/3712-Supplemental-Statement-20080414-6.pdf>, (Downloaded January 29, 2014) (Hereinafter DLA Piper Supplemental Statement April 14, 2009)

⁷⁰ DLA Piper Supplemental Statement April 14, 2009, p. 49.

This correlation between contributions and contacts was similar at several other firms during this same time period. For example, according to filings at the FARA office:

- William Hecht, founder of Hecht, Spencer & Associates, met with Senator Tom Coburn (R-OK) on September 24, 2008, on behalf of Japan and made a \$500 contribution to the Senator that same day. Hecht also met with Senator Norm Coleman (R-MN) on September 24 to discuss U.S.-Japan relations and made a \$1,000 contribution to him on the same day.⁷¹
- Ainsley Gill, managing partner of Ainsley Gill & Associates, met with Representative Bennie Thompson's (D-MS) chief of staff on October 4, 2007, to discuss non-NATO ally member status for Trinidad and Tobago. That same day he donated \$1,000 to the Representative.⁷²
- Paul Ryberg, partner at Ryberg and Smith, made just one contribution in the six-month period ending on July 31, 2008, according to FARA records. That \$500 contribution went to Representative Charlie Rangel (D-NY) on the same day that Ryberg met with the Representative to discuss Mauritius, an island nation in the Indian Ocean.⁷³
- Jordan C. Paul, then Director of Government Affairs at The Moroccan-American Center for Policy,⁷⁴ made a \$1,000 contribution to Representative Lincoln Diaz-Balart (R-FL) on February 26, 2008. That same day, he met with Diaz-Balart to discuss U.S.-Morocco bilateral relations and Western Sahara.⁷⁵

Systemic Foreign Influence

These specific cases illustrate the larger connection between campaign contributions and the access and influence of these firms. Based on data disclosed to the FARA office, payments from foreign clients to American lobbyists totaled about half a billion dollars annually from 2009 to 2012.⁷⁶ Lobbyists representing domestic interests reported receiving about \$14 billion from their clients over the same time period,⁷⁷ while lobbyists for foreign interests reported receiving about \$2 billion from their clients over those four years.⁷⁸

⁷¹ Hecht, Spencer & Associates, Inc., "Supplemental Statement," March 26, 2009, p. 7, p.14. <http://www.fara.gov/docs/5451-Supplemental-Statement-20090326-8.pdf> (Downloaded January 29, 2014)

⁷² Ainsley Gill & Associates, LLC, "Supplemental Statement," April 3, 2008, p. 7, p. 28. <http://www.fara.gov/docs/5600-Supplemental-Statement-20080403-6.pdf> (Downloaded January 29, 2014)

⁷³ Ryberg and Smith, L.L.C., "Supplemental Statement," August 21, 2009, p. 7, p. 15. <http://www.fara.gov/docs/5570-Supplemental-Statement-20080821-7.pdf> (Downloaded January 29, 2014); [111th U.S. Congress](#), "In the matter of Representative Charles B. Rangel" (H.R. 1737), Introduced November 29, 2010, by Representative Zoe Lofgren. <http://thomas.loc.gov/cgi-bin/bdquery/z?d111:h.res.01737>: (Downloaded January 29, 2014)

⁷⁴ Moroccan-American Center for Policy, Inc., "Supplemental Statement," June 4, 2007, p. 2. <http://www.fara.gov/docs/5648-Supplemental-Statement-20070604-5.pdf> (Downloaded January 29, 2014)

⁷⁵ Moroccan-American Center for Policy, Inc., "Supplemental Statement," May 30, 2008, pp. 14-15. <http://www.fara.gov/docs/5648-Supplemental-Statement-20080530-8.pdf> (Downloaded January 29, 2014)

⁷⁶ Industry spending figures calculated by POGO during our analysis of FARA Semi-Annual Reports to Congress.

⁷⁷ "Lobbying Database"

⁷⁸ "FARA Reports to Congress"

The agents of foreign principals have reported millions of dollars in political contributions annually.⁷⁹ Much of this money found its way to policymakers the lobbyists had contacted on behalf of foreign governments.

DLA Piper, once again, exemplifies this close connection between contacts and contributions. Over a two-year period, from late 2007 to late 2009, about 120 legislative offices were both contacted by and received contributions from lobbyists representing DLA Piper's foreign clients. Members of Congress received more than twice as much campaign money from DLA Piper lobbyists representing the firm's foreign clients if their office was contacted on behalf of one or more of the firm's foreign clients.

Additionally, more than half of the approximately 120 congressional offices that were both contacted and whose Member received contributions from a DLA Piper lobbyist representing a foreign client received their contribution within a month of being contacted.

Quid Pro Quo or Coincidence?

While these interactions may seem like *quid pro quo*, legislators and legislative staff members contacted by POGO pointed to other explanations.

Lanier Avant, a spokesman for Representative Thompson, told POGO that the contribution didn't impact the Representative's stance, and that the timing was likely coincidental.

"Most of the Congressman's DC fundraisers—like those of all Members—invariably occur on days when Congress is in session, which is also when most meetings take place," Avant said.⁸⁰

These sentiments were echoed by Tara Setmayer, Communications Director for Representative Rohrabacher. When asked about Rohrabacher reportedly receiving a campaign contribution from Livingston on the same day the two met to discuss Libya, Setmayer said their office had no record of a meeting on the date in question. She said their records "show that Congressman Rohrabacher was scheduled to attend a fundraising event that evening which Congressman Livingston may have attended."⁸¹

Representative Wexler, who received a contribution from Antelo the same day he met with her, told POGO he didn't remember meeting her and wasn't aware she made a contribution. "It's

⁷⁹ For instance, in 2008 the agents of foreign principals reported making \$4.3 million in political contributions. Anupama Narayanswamy and Luke Rosiak, Sunlight Foundation; Jennifer LaFleur, ProPublica, "Adding it up: The Top Players in Foreign Agent Lobbying," Sunlight Foundation, August 18, 2009.

<http://sunlightfoundation.com/blog/2009/08/18/adding-it-top-players-foreign-agent-lobbying/> (Downloaded December 2, 2014)

⁸⁰ Lydia Dennett, phone interview with Lanier Avant, Chief of Staff for Representative Thompson, December 4, 2014.

⁸¹ Comment to Ben Freeman, Investigator at the Project On Government Oversight, by Tara Setmayer, Communications Director for Representative Rohrabacher.

almost impossible to know all your contributors,” Wexler said. “Most campaigns have tens, or hundreds, of thousands of contributions.”⁸²

Wexler, who has since left Congress and is now president of the S. Daniel Abraham Center for Middle East Peace,⁸³ said his campaign always followed the contribution reporting laws, but noted that “It’s probably a fairly regular thing for lobbyists to give to representatives they’ve talked to.”⁸⁴

Foreign Money and the Law

Making campaign contributions on behalf of foreign governments would be illegal—the Federal Election Campaign Act prohibits foreign nationals from contributing to federal, state, or local U.S. political campaigns either directly or indirectly—but same-day contributions in and of themselves are not necessarily evidence of indirect contributions.⁸⁵ The semiannual Supplemental Statements the lobbyists file explicitly state that the contributions are “from your own funds and on your own behalf.”⁸⁶ Furthermore it is often unclear if the Members of Congress or their staff members who meet with the foreign lobbyists on these issues know about the contributions.

The Federal Election Commission has clarified the prohibition on foreign national contributions, explaining that a contribution cannot be accepted if the recipient is “aware of facts that would lead a reasonable person to inquire whether the source of the funds solicited, accepted, or received is a foreign national.”⁸⁷

Which begs the question: would a “reasonable person” inquire about the source of a contribution coming from a lobbyist working on behalf of a foreign interest?⁸⁸

LAX COMPLIANCE WITH AND ENFORCEMENT OF FARA

The Livingston Group’s representation of Egypt provides an example of how lobbyists for foreign principals attempt to influence U.S. policy, but it is also an example of a much larger pattern of lax compliance with and enforcement of FARA.

⁸² Lydia Dennett, email message to Nathaniel Sobel, Director of Research at the S. Daniel Abraham Center for Middle East Peace, “Re: SPAM-LOW: Mr. Wexler's Comment to POGO,” December 9, 2014. (Hereinafter Mr. Wexler’s Comment to POGO)

⁸³ S. Daniel Abraham, Center For Middle East Peace, “Robert Wexler,” <http://centerpeace.org/robert-wexler/> (Downloaded January 29, 2014)

⁸⁴ Mr. Wexler’s Comment to POGO

⁸⁵ “Foreign Nationals”

⁸⁶ Department of Justice, Supplemental Statement Pursuant to the Foreign Agents Registration Act of 1938, as amended, p. 7. http://www.fara.gov/forms/2011/OMB_1124_0002.pdf (Downloaded August 13, 2013)

⁸⁷ Prohibition on contributions, donations, expenditures, independent expenditures, and disbursements by foreign nationals, U.S.C 441e §110.20. <http://www.gpo.gov/fdsys/pkg/CFR-2013-title11-vol1/pdf/CFR-2013-title11-vol1-sec110-20.pdf> (Downloaded January 29, 2014)

⁸⁸ A spokesman for the FEC declined to comment on how federal regulations apply to such scenarios.

Compliance

While many of the documents in POGO's Foreign Influence Database demonstrate a disquieting, but legal, level of foreign influence over U.S. policy, we are aware of this influence only because these documents were filed with the FARA Registration Unit.

There is likely much more activity that we can't be aware of. Many firms file informational materials late, don't properly label them, don't file informational materials at all, or don't even register under FARA.

When it comes to filing informational materials late, the statute sets strict deadlines. FARA requires that registrants file informational materials distributed, or intended for distribution, to two or more people "not later than forty-eight hours after the beginning of the transmittal thereof."⁸⁹ But it's difficult if not impossible to enforce that regulation if the FARA office doesn't know on what date the materials were distributed.

Prior to the enactment of the Lobbying Disclosure Act of 1995, FARA required registrants to provide the DOJ with a Dissemination Report whenever they filed copies of informational materials. A Dissemination Report was "a statement, duly signed by or on behalf of such agent, setting forth full information as to the places, times, and extent of such transmittal."⁹⁰ Section 9 of the Lobbying Disclosure Act eliminated this requirement.⁹¹ Now FARA registrants do not have to disclose the date informational materials were distributed or the names of the recipients when they file those materials with the DOJ. This makes it virtually impossible to determine the extent of late filing and just how often the law is broken.

In addition, late filing can defeat the openness that is supposed to be afforded by these filings. When information is filed weeks or months after being distributed, the issues it addresses may have already been settled. Thus, the value of knowing what information is being disseminated decreases as the length of time after dissemination increases. Transparency must be timely if public discourse is to truly benefit from it.

To determine whether materials were filed on time, one must know two dates: the date they were distributed to their intended recipients, such as Members of Congress, and the date the materials were filed with the FARA office. Accordingly, POGO attempted to record two dates for each informational material in the Foreign Influence Database. The first is the oldest date on which the materials were transmitted, such as an email's "sent" date. The second is the date stamp placed on the materials when they were first received by the FARA Registration Unit. Unfortunately, many of the materials filed at the FARA office do not have a clearly discernible transmitted date.

⁸⁹ Registration of Foreign Propagandists, U.S. C. 22 (2009), § 614. <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title22/pdf/USCODE-2009-title22-chap11-subchapII.pdf> (Downloaded May 14, 2013); "FARA Index and Act"

⁹⁰ Filing and labeling of political propaganda, U.S. C. 22 (1994), § 614. <http://www.gpo.gov/fdsys/pkg/USCODE-1994-title22/pdf/USCODE-1994-title22-chap11-subchapII-sec614.pdf> (Downloaded December 3, 2014)

⁹¹ Lobbying Disclosure Act of 1995, U.S.C. 26 § 1604 <http://www.law.cornell.edu/uscode/text/26/chapter-26> (Downloaded December 3, 2014)

For example, in February 2012, FARA registrant Sorini Samet & Associates LLC filed informational material disseminated on behalf of the Republic of the Philippines Department of Trade & Industry. The document touts the benefits of the Save Our Industries Act, including “increasing U.S. exports,” “strengthening the U.S.-Philippine relationship,” and “rejuvenating the Philippine apparel industry.” However, there are no dates included on the document, making it impossible to determine when it was sent to policymakers.⁹²

This lack of clarity is far from uncommon. The Moffett Group filed what appear to be three documents on behalf of its client, the Government of Morocco, on March 16, 2012. The documents are titled, “Morocco is Committed to a Strong Bilateral Relationship with the United States,” “Morocco’s Regional Leadership,” and “Morocco is Irreversibly Committed to Democratic Reform and Good Governance.” While the topics vary, the format of each document is the same: a bulleted list of facts and “2012” printed in the heading. This is the only indication of when these documents may have been distributed—it is impossible to know for certain if this filing was late or on time.⁹³

To further complicate matters, the FARA regulations do not explain how the 48-hour deadline is tracked by the Justice Department. Some documents are filed electronically, generating an automatic time and date stamp. But for those that are mailed or hand delivered, the FARA office manually date stamps them as received, which can happen days or even weeks after the registrants actually filed them. (For instance, if documents are filed on a day the FARA office is not open—a weekend or holiday—they would not be date stamped on that day.⁹⁴) Due to the lack of solid dates for distribution and filing at the FARA office, the Justice Department cannot adequately enforce the 48-hour statutory deadline.

To determine the extent of late filing, POGO analyzed a subset of the documents in the database, all those filed in 2012. Our analysis excluded weekends and holidays when calculating the number of late filings in 2012 on the basis that it would have been impossible to determine if they were filed on time or not. The Foreign Influence Database contains 372 filings from 2012. In 275 of those filings (about 74 percent), POGO was able to discern the date on which the informational materials were distributed and the date on which the materials arrived at the FARA office. (In 103 of those 275 filings, POGO had to consult other resources, such as the semiannual Supplemental Statements filed with the FARA office, in order to determine the date of distribution by the registrant.) Of the 275 filings, POGO’s analysis found that 127 were filed with DOJ more than two business days after the date of transmission; 42 of the 127 were filed more than 30 business days later; and 33 were filed more than 100 business days later.

Sometimes informational materials are time sensitive, relating directly to the current political climate, so the dates can be important. Some registrants choose to volunteer this information, but

⁹² Filing by Sorini, Samet & Associates, LLC, regarding the Philippines Department of Trade & Industry, February 13, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900422-philippines-sorini-samet-amp-associates-llc.html>

⁹³ Filing by Moffett Group, LLC, regarding the Embassy of the Government of Morocco, March 16, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900387-morocco-moffet-group-government-of-morocco-03-16.html>

⁹⁴ The Lobbying Disclosure Act addresses this more clearly in its regulations, stating: “If the deadline falls on a weekend or holiday, the report is due the following business day.” U.S.C. 26 § 1604.

many do not. POGO found that for 26 percent of the 2012 filings it was impossible to determine if they were filed on time. In more than a third (38 percent) of the others, POGO was able to figure out the dissemination date only by consulting additional resources, including documents that were posted months after the lobbying materials themselves were filed.

It is also unclear in some cases when a filing was actually received by the FARA office. For instance, on July 30, 2012, David M. Spooner of Squire Sanders Public Advocacy, LLC sent an email on behalf of a free-trade office in Nicaragua with a proposed question for Senator Johnny Isakson (R-GA) to ask at a hearing the following day. “I’m confident that the below question wouldn’t ruffle any feathers amongst the textile industry or apparel brands and retailers,” Spooner wrote. “To be extra safe, I’ve worded the question so that Sen. Isakson himself wouldn’t be taking a position.”⁹⁵ In a cover letter dated July 31, 2012—within the 48-hour deadline—Spooner forwarded his proposed hearing question and related correspondence to DOJ. But the FARA unit didn’t manually stamp the materials until August 16, making it hard for the public to determine when the filing actually arrived.⁹⁶

Spooner declined to comment for this report.

A similar example is a press release filed by Qorvis Communications in August 2012. The press release’s cover letter, as well as the automatic date from the fax machine, indicates that it was sent to the FARA office on August 15. The official date stamp by the FARA office states it was received on August 22, a full week later.⁹⁷ While POGO’s methodology would normally consider this a late filing, we concluded that, for this report, examples like this should not be included in the final count of documents filed late as it is unclear exactly when the FARA office received the document.

In other cases it was clear that a lag of a few days by the FARA office would not significantly affect the late filing calculations. For example, a July 2012 filing by FARA registrant Office of the Turkish Republic of Northern Cyprus includes four documents dated between December 13, 2011, and March 1, 2012.⁹⁸ The cover sheet states that these documents were sent to the FARA office on July 17, 2012. But once again the FARA date stamp records a later date—July 27, 2012, ten days later. However, because this filing was over 100 days late, regardless of the exact date it was received by the FARA office, it was counted in POGO’s final tally of late filings.

⁹⁵ Senator Isakson does not appear to have asked the question; it does not show up in a transcript of the hearing. Senate Committee on Foreign Relations Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs, “Doing Business in Latin America: Positive Trends But Serious Challenges,” July 31, 2012. <http://www.gpo.gov/fdsys/pkg/CHRG-112shrg76694/pdf/CHRG-112shrg76694.pdf> (Downloaded December 3, 2014); Filing by Squire Sanders Public Advocacy, LLC, regarding the Government of Nicaragua Corporacion-de Zonas Francas, August 16, 2012, p. 2. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900391-nicaragua-squire-sanders-public-advocacy.html> (Hereinafter August 16, 2012, Filing by Squire Sanders Public Advocacy, LLC)

⁹⁶ August 16, 2012, Filing by Squire Sanders Public Advocacy, LLC, p. 1.

⁹⁷ Filing by Qorvis Communications, LLC, regarding Marca Pais - Imagen de Mexico, August 22, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900327-mexico-qorvis-communication-marca-pais-imagen-de.html>

⁹⁸ Filing by Office of the Turkish Republic of Northern Cyprus, regarding the Government of the Republic of Turkey, July 27, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900504-turkey-office-of-the-turkist-rpublic-of.html>

In addition to the occasional delay in hand-stamping documents, it seems that registrants can run into other difficulties when trying to file their informational materials with the FARA office. The cover letter of an August 2012 filing by FARA registrant National Strategies, LLC states that the document was sent to the FARA office on August 28 with a handwritten caveat: “Retrying transmission after several ‘Busy’ occurrences at: 8/27/12 18:07, 18:42 8/28/12 7:39.”⁹⁹

In other cases, it is abundantly clear that a document has been filed weeks or even months late.

For example, in a press release dated April 19, 2012, the Embassy of Bahrain announced that “more than 50 D.C.-area diplomats and foreign policy experts joined Bahrain’s Ambassador to the United States... for a documentary screening and a discussion on recent developments and reforms in Bahrain.”¹⁰⁰ The previous year, as Arab Spring uprisings erupted throughout the Middle East, Bahraini security forces fired on protestors in the nation’s capital who were calling for political and economic reforms. Following the crackdown, which killed several protestors, the government launched a number of initiatives to quell any further unrest, including establishing an inquiry commission and a 300-person delegation to address political, economic, and social issues.¹⁰¹ Qorvis Communications distributed the April 2012 press release on behalf of the Bahraini Embassy, according to a supplemental statement filed with DOJ,¹⁰² but did not file the actual press release until October 31, 2012—six months after the 48-hour deadline had passed.¹⁰³

In other cases registrants admit that they simply forgot to file their informational materials. In 2011 and 2012, FARA registrant Ogilvy Public Relations Worldwide distributed several press releases on behalf of the Mexico Ministry of Tourism. But it didn’t file the releases with DOJ until a year later, in July 2012. The firm said it “failed to file within 48 hours this informational material pursuant to the FARA statute and is taking all appropriate action to prevent this from reoccurring,” according to a note attached to the filing.¹⁰⁴

The problems in the FARA system go beyond timely filing. The communications group BLJ Worldwide filed a document in August 2011 on behalf of its client Ali Taslimi, an individual working in support of Iraq Camp Ashraf prisoners.¹⁰⁵ The document appears to be a dinner party

⁹⁹ Filing by National Strategies, LLC, regarding Bidzina Ivanishvili, August 29, 2012, p. 23.

¹⁰⁰ Filing by Qorvis Communications, LLC, regarding the Embassy of the Kingdom of Bahrain, October 31, 2012, p. 23. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/723390-bahrain-qorvis-kingdom-of-bahrain-10-31-12.html> (Hereinafter October 31, 2012, Filing by Qorvis Communications)

¹⁰¹ Kenneth Katzman, Specialist in Middle Eastern Affairs, Congressional Research Service, *Bahrain: Reform, Security, and U.S. Policy*, October 3, 2014, p. 8. <http://fas.org/sgp/crs/mideast/95-1013.pdf> (Downloaded December 3, 2014)

¹⁰² Qorvis Communications, LLC, “Supplemental Statement,” September 30, 2012. <http://www.fara.gov/docs/5483-Supplemental-Statement-20121130-15.pdf> (Downloaded December 3, 2014)

¹⁰³ October 31, 2012, Filing by Qorvis Communications.

¹⁰⁴ Filing by Ogilvy Public Relations Worldwide, regarding the Mexico Ministry of Tourism, August 10, 2012, p. 2. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/785169-mexico-ogilvy-public-relations-worldwide.html>

¹⁰⁵ A representative of BLJ Worldwide, who declined to speak on the record, told POGO that this letter was a mistaken filing as Ali Taslimi is an American citizen and that an internal error at BLJ Worldwide resulted in the

invitation touting the expected attendance of a former senior State Department official as well as prominent journalists such as Susan Chira from *The New York Times*. However, the invitation did not disclose that the host was working on behalf of a paying client, as required under FARA. Invitees to the dinner party may not have been aware that BLJ Worldwide signed a \$40,000, two-month contract with its client for engaging in advocacy activities.¹⁰⁶ Indeed, one of the guests told POGO they had no idea the host was working for a foreign interest—and, until the party began, had no knowledge of the host’s policy agenda. The guest spoke on condition of anonymity.

Additionally, the document filed with the FARA office did not identify the person or persons to whom the invitation was addressed. This seemed like a glaring omission, so POGO contacted the FARA office to find out if this information is required. We found that the Justice Department itself seems to be unclear about whether BLJ Worldwide was required to disclose the names of the invitees. POGO spoke to a representative of the FARA Registration Unit about this exact document and he confirmed that, based on the document, BLJ Worldwide should have included the names.¹⁰⁷ One week later POGO contacted Marc Raimondi, Public Affairs Specialist at the Department of Justice, asking whether registrants need to disclose to whom the materials were sent and on what date. POGO provided the document filed by BLJ worldwide as well as the previous response from the Registration Unit, and requested clarification. Raimondi’s response, though vague and confusing, suggests that this information is not, in fact, required by the law:

“The term informational materials includes any oral, visual, graphic, written, or pictorial information or matter of any kind, including that published by means of advertising, books, periodicals, newspapers, lectures, broadcasts, motion pictures, or any means or instrumentality of interstate or foreign commerce or otherwise. Informational materials disseminated by an agent of a foreign principal as part of an activity in itself exempt from registration, or an activity which by itself would not require registration, need not be filed pursuant to Section 4(b) of the Act. If the content of material disseminated is not considered ‘political activity,’ a disclaimer is not required. Currently, pursuant to Section 614 of FARA, registrants are required to file copies of informational materials with DOJ. Specific information regarding individual recipients of what was formerly called ‘political propaganda’ was never required to be provided on the Dissemination Report form unless the recipient was sent 100 or more copies of the propaganda. Specific information regarding ‘political activity’ as defined in Section 611(o) of FARA is required to be disclosed in Item 12 of the supplemental statement. Please note that if the activity is not considered ‘political activity’ as defined, specific information regarding the activity is not required to be reported in Item 12 of the statement.”¹⁰⁸

filing. Filing by Brown Lloyd James (BLJ Worldwide), regarding Ali Taslimi (for Iraq Camp Ashraf prisoners), August 16, 2011. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/287059-iraq-brown-lloyd-james-ali-taslimi-for-iraq-camp.html> (Hereinafter August 16, 2011, Filing by BLJ Worldwide regarding Ali Taslimi)

¹⁰⁶ August 16, 2011, Filing by BLJ Worldwide regarding Ali Taslimi; BLJ Worldwide, “Peter Brown, Chairman & CEO.” http://www.bljworldwide.com/About_Us/Peter_Brown (Downloaded December 3, 2014); Brown Lloyd James, “Exhibit A to Registration Statement,” July 27, 2011. <http://www.fara.gov/docs/5875-Exhibit-AB-20110727-29.pdf> (Downloaded December 3, 2014)

¹⁰⁷ Neil Gordon, phone interview with Alex Mudd, FARA Registration Unit, September 26, 2014.

¹⁰⁸ The Justice Department provided these comments based on the document itself and presumably without knowledge of the BLJ representative’s assertion that the filing was unnecessary and made in error. However, the way BLJ handled the filing demonstrates how the firm dealt with the matter when they thought the filing was

The document filed by BLJ Worldwide serves to demonstrate another common problem. In addition to having to meet time requirements in filing, registrants distributing materials are also required under 22 U.S.C., § 614(b), also referred to as Section 4(b), to include “Identification Statements” with those materials. These statements are supposed to be “a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia.”¹⁰⁹ In collecting documents for its Foreign Influence Database, POGO found that many of the documents filed under FARA do not include these statements or any mention of the fact that the registrant is working on behalf of a foreign entity.

For example, a press release was distributed by lobbying group Manatt, Phelps & Phillips in January 2010 on behalf of the Government of the Dominican Republic. The release was published by Business Wire and Reuters, but neither version includes the required identification statement; nor does the copy filed with the FARA office almost two months later.¹¹⁰

The identification statement is also missing from documents filed by Fleishman-Hillard, Inc., on behalf of the Government of the Republic of Turkey. The filing contains an official press statement responding to the attack on the U.S. Embassy in Benghazi in September 2012 as well as a *New York Times* letter to the editor written by the former Turkish Ambassador.¹¹¹ It is unclear if the documents were written by Fleishman-Hillard or merely distributed by the firm, but either way the document gives no indication that Fleishman-Hillard was working on behalf of the Government of Turkey.

A document filed in March 2011 by Hedges Strategies, a then-FARA registrant working on behalf of the Embassy of Sri Lanka, also lacks the required identification statement. The filing contains a hodgepodge of fact sheets, bulleted lists, and truncated articles from outlets like National Geographic, *The New York Times*, and Bloomberg.¹¹² The required identification statement does not appear on any of the filing’s 11 pages.

required. Marc Raimondi, Public Affairs Specialist for the Department of Justice, email message to Lydia Dennett, POGO Investigator, “FARA Response,” October 15, 2014.

¹⁰⁹ 22 U.S.C. § 614(b)

¹¹⁰ Filing by Manatt, Phelps & Phillips, regarding the Government of the Dominican Republic, March 3, 2010. http://www.pogo.org/tools-and-data/foreign-influence-database/data/217309-dominican-republic_manatt-phelps-amp.html; Business Wire, “Vicini to Donate Significant Aid to Haiti,” January 17, 2010. <http://www.businesswire.com/news/home/20100117005051/en/Vicini-Donate-Significant-Aid-Haiti#.VHqzINLF-4I> (Downloaded December 3, 2014); Business Wire 2010, “Vicini to Donate Significant Aid to Haiti,” Reuters.com, January 17, 2010. <http://www.reuters.com/article/2010/01/17/idUS63345+17-Jan-2010+BW20100117> (Downloaded December 3, 2014)

¹¹¹ Filing by Fleishman-Hillard, Inc., regarding the Government of the Republic of Turkey, December 21, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/900501-turkey-fleishman-hillard-republic-of-turkey-12.html>; Namik Tan, “Letter to the Editor: Turkey and Rights,” *The New York Times*, July 27, 2012. http://www.nytimes.com/2012/07/28/opinion/turkey-and-rights.html?_r=0 (Downloaded December 3, 2014); Republic of Turkey, Ministry of Foreign Affairs, “Press Release Regarding The Terrorist Attack To The U.S. Mission In Benghazi,” September 12, 2012. <http://budapest.emb.mfa.gov.tr/ShowAnnouncement.aspx?ID=162262> (Downloaded December 3, 2014)

¹¹² Filing by Hedges Strategies, regarding the Embassy of Sri Lanka, March 2, 2011. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/289654-sri-lanka-hedges-strategies-embassy-of-sri-lanka.html>

Occasionally registrants will provide incomplete or partial identification statements on their informational materials. For instance, FARA registrant Ketchum Inc., maintains a Twitter account for its client, the Russian Federation. The @thinkRUSSIA Twitter bio states: “News, analysis and commentary on developments in Russia managed by Ketchum on behalf of the Russian Federation.”¹¹³ However, the statement does not include the required stipulation that additional information is available at the Department of Justice, and it is unclear how this required disclosure could be conveyed within the space of a Twitter bio let alone each individual tweet.

On the other hand, some registrants are to be commended for clearly and consistently including these statements on their informational materials. For example, Park Strategies, LLC’s Sean King has sent and filed countless emails on behalf of the Taipei Economic and Cultural Representative Office in the United States. These emails typically include the identification statement right at the top, often before the email’s greeting, and follow the letter of the law exactly: “This material is distributed by Park Strategies, LLC on behalf of the Taipei Economic and Cultural Representative Office in the United States. Additional information is available at the Department of Justice, Washington, D.C.” Almost as often, King included a similar statement in the body of the email: “As you already know, Park Strategies, LLC, Senator D’Amato and I are registered with the U.S. Department of Justice, under the Foreign Agents Registration Act, as agents on behalf of our client, the Taipei Economic and Cultural Representative Office (TECRO) in the United States.”¹¹⁴

FARA registrants are also required to file semiannual Supplemental Statements detailing the work they’ve done on behalf of their foreign clients, including any political activity or funds exchanged. Registrants are required to report whether or not they included the identification statements on distributed informational materials. FARA Supplemental Statements ask respondents, “Did you label each item of such informational materials with the statement required by Section 4(b) of the Act?”¹¹⁵ Surprisingly, respondents often answer “No,” even when they answer “Yes” to the question asking if they disseminated any informational materials.

POGO analyzed all the Supplemental Statements filed during the first six months of 2010 and found that 53 of the 103 registrants had reported filing informational materials and had, in answer to the label question, reported that they had not properly labeled their informational materials.¹¹⁶ POGO’s analysis of all years covered in its database found a similar phenomenon throughout.

¹¹³ Ketchum Inc., “thinkRussia,” <https://twitter.com/thinkRUSSIA> (Downloaded 3, 2014)

¹¹⁴ Sean King, email message to Justin Stokes, Chief of Staff for Representative Richard Hanna, “Re: News on TSMC/Rep. Owens’ trip,” January 5, 2012. <http://www.pogo.org/tools-and-data/foreign-influence-database/data/324684-documents-289778-taiwan-park-strategies-llc.html>

¹¹⁵ Department of Justice, “Supplemental Statement,” p. 8. http://www.fara.gov/forms/2011/OMB_1124_0002.pdf (Downloaded August 13, 2013)

¹¹⁶ POGO chose this period randomly, to illustrate a pattern seen across all time periods covered in the Foreign Influence Database.

V - INFORMATIONAL MATERIALS

16. During this 6 month reporting period, did you prepare, disseminate or cause to be disseminated any informational materials¹²?
Yes No

IF YES, RESPOND TO THE REMAINING ITEMS IN SECTION V.

22. Did you file with the Registration Unit, U.S. Department of Justice a copy of each item of such informational materials disseminated or caused to be disseminated during this 6 month reporting period? Yes No

23. Did you label each item of such informational materials with the statement required by Section 4(b) of the Act? Yes No

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POGO also analyzed a subset of semiannual Supplemental Statements submitted by FARA registrants who did not file informational materials in the time period. We found examples of registrants who answered “Yes” to disseminating informational materials in the last six months but “No” to the question on the very same page asking: “Did you file with the Registration Unit, U.S. Department of Justice a copy of each item of such informational materials disseminated or caused to be disseminated during this 6 month reporting period?” For example, both the Transitional National Council of Libya and the Colombian Coffee Federation, Inc, reported distributing informational materials without filing them with the Justice Department.

V - INFORMATIONAL MATERIALS

16. (a) During this 6 month reporting period, did you prepare, disseminate or cause to be disseminated any informational materials?¹²
Yes No

If Yes, go to Item 17.

(b) If you answered No to Item 16(a), do you disseminate any material in connection with your registration?
Yes No

If Yes, please forward the materials disseminated during the six month period to the Registration Unit for review.

22. Did you file with the Registration Unit, U.S. Department of Justice a copy of each item of such informational materials disseminated or caused to be disseminated during this 6 month reporting period? Yes No

23. Did you label each item of such informational materials with the statement required by Section 4(b) of the Act? Yes No

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It appears that FARA regulations have loopholes that may exempt some registrants from filing such materials. For instance, if materials are distributed as part of an activity that in itself is

¹¹⁷ China National Tourist Office, “Supplemental Statement,” January 13, 2010. <http://www.fara.gov/docs/3318-Supplemental-Statement-20100113-10.pdf> (Downloaded December 3, 2014)

¹¹⁸ Transitional National Council of Libya, “Supplemental Statement,” November 29, 2011. <http://www.fara.gov/docs/6035-Supplemental-Statement-20111129-1.pdf> (Downloaded December 3, 2014)

exempt from registration, as defined in § 613 of the FARA Exemptions, then the materials need not be filed.¹¹⁹ But these exemptions are wide ranging and could even allow for a certain amount of personal interpretation.

For example, § 613(d) states that lobbyists working on activities that further the trade or commerce of a foreign principal are not required to register. Other subsections exempt lobbyists from registering if they are providing legal representation for a foreign principal or furthering religious, academic, scientific, or artistic pursuits. But perhaps the most problematic exemption is § 613(f), which can exempt lobbyists from registering if they meet the following criteria: 1) They represent the “government of a foreign country the defense of which the President deems vital to the defense of the United States”; 2) They are promoting policies that are not intended to conflict with any existing U.S. domestic or foreign policies; and 3) Communications they distribute are “believed” by them “to be truthful and accurate.” This appears to be a loophole wide open for interpretation.¹²⁰

Another loophole: the Supplemental Statements requires lobbyists to detail their political activities, but the form does not specify that they must list any meetings conducted with policymakers, who they spoke to, the dates of the meetings, the issue discussed, or the clients they were representing. While some registrants provide this information, others do not.

Another loophole: registrants are only required to file informational materials if they are distributed to two or more people. However, if a lobbyist sends an email or letter to one pivotal legislator, such as the Speaker of the House or the Senate Majority Leader, the lobbyist would not have to file that material.

These loopholes damage the intended transparency of the law, as do violations of the FARA filing guidelines for informational materials. However, these firms and individuals did, at least, register with the Justice Department. There have been publicized examples of lobbyists representing foreign clients, and engaging in political activity on behalf of those clients, who never registered with the DOJ. In April 2012, a number of firms were hired by Bidzina Ivanishvili, who would become the Prime Minister of Georgia a few months later, to lobby on his behalf. These lobbying firms registered under the much less stringent LDA instead of under the FARA.¹²¹

A lobbyist and former Member of Congress told POGO that some lobbyists for foreign interests are overly casual about their compliance with the law. “Around the edges there’s a lot of loosey-goosey stuff going on. People representing foreign interests and not reporting,”¹²² said Toby Moffett, Chairman of the Moffett Group and a former Representative of Connecticut.

¹¹⁹ 22 U.S.C. § 613

¹²⁰ 22 U.S.C. § 613(f)

¹²¹ Anna Palmer, “Georgian billionaire storms K Street,” *Politico*, April 12, 2012.

http://www.politico.com/news/stories/0412/75054_Page2.html (Downloaded May 13, 2013); National Strategies, LLC, “Lobbying Report, Mr. Bidzina Ivanishvili,” April 20, 2012.

<http://soprweb.senate.gov/index.cfm?event=getFilingDetails&filingID=f9c9a196-b619-4a6c-a0b2-a5015040c80e&filingTypeID=51> (Downloaded August 13, 2013)

¹²² Neil Gordon, telephone interview with Toby Moffett, September 19, 2014.

In 2014, *The Washington Free Beacon* reported that a public relations firm called MCSquared was doing promotion work for the Government of Ecuador¹²³ without registering under FARA.¹²⁴ MCSquared employee Jean Paul Borja told POGO that the firm was not aware it was supposed to register with the DOJ and “it was an oversight on our part.”¹²⁵ Borja told POGO that MCSquared represented the Government of Ecuador for one year beginning in April 2013 and that the FARA office contacted it in June 2014 to discuss what documentation the firm needed to provide, but never pursued enforcement action. On August 3, 2014, MCSquared registered under FARA.¹²⁶

In another example, *The New York Times* recently reported that foreign governments were paying Washington think tanks to advance their interests. Yet that the think tanks, which included the Brookings Institution, the Center for Strategic and International Studies, and the Center for Global Development, had not disclosed their arrangements to the FARA office at the DOJ and did not appear to be complying with FARA requirements.¹²⁷ The *Times* asked the Center for Global Development, which specializes in issues affecting the developing world, for comment: “‘Yikes,’ said Todd Moss, the chief operating officer at the Center for Global Development, after being shown dozens of pages of emails between his organization and the government of Norway, which detail how his group would lobby the White House and Congress on behalf of the Norway government. ‘We will absolutely seek counsel on this.’”¹²⁸

Some Members of Congress have taken initial steps toward fixing this problem.

Shortly after *The New York Times* article was published, Representative Jackie Speier (D-CA) proposed to amend the rules of the House of Representatives to require those who testify before committees to disclose any funds received from foreign governments.¹²⁹ Less than a month later, Representative Frank Wolf (R-VA) sent a letter to the Attorney General expressing his concern that foreign agents may be trying to circumvent the law and requesting that the FARA office review its guidelines.¹³⁰

¹²³ MCSquared PR Inc., “Protest Against Chevron’s Contamination in Ecuador’s Amazon Rainforest,” May 26, 2014. http://www.csrwire.com/press_releases/37096-Protest-Against-Chevron-s-Contamination-in-Ecuador-s-Amazon-Rainforest (Downloaded December 3, 2014)

¹²⁴ Lachlan Markay, “PR Firm’s Undisclosed Work for Ecuadorian Government Raises Legal Questions,” *The Washington Free Beacon*, June 17, 2014. <http://freebeacon.com/issues/pr-firms-undisclosed-work-for-ecuadorian-government-raises-legal-questions/> (December 3, 2014)

¹²⁵ Neil Gordon, telephone interview with Jean Paul Borja, September 29, 2014.

¹²⁶ MCSquared PR Inc., “Registration Statement,” August 3, 2014. <http://www.fara.gov/docs/6231-Registration-Statement-20140703-1.pdf> (Downloaded December 9, 2014)

¹²⁷ Eric Lipton, Brooke Williams, and Nicholas Confessore, “Foreign Powers Buy Influence at Think Tanks,” *The New York Times*, December 6, 2014. http://www.nytimes.com/2014/09/07/us/politics/foreign-powers-buy-influence-at-think-tanks.html?_r=3#story-continues-2 (Downloaded December 3, 2014) (Hereinafter “Foreign Powers Buy Influence at Think Tanks”)

¹²⁸ “Foreign Powers Buy Influence at Think Tanks”

¹²⁹ Eric Lipton, “Proposal Would Require Think Tanks to Disclose Funding by Foreign Governments,” *The New York Times*, September 17, 2014. http://www.nytimes.com/2014/09/18/us/politics/house-proposal-would-require-think-tanks-to-disclose-foreign-funding.html?_r=3 (Downloaded December 3, 2014)

¹³⁰ Letter from Representative Frank R. Wolf to the Honorable Eric H. Holder, Attorney General, regarding think tanks accepting donation from foreign governments, October 8, 2014, p. 1. <http://s3.documentcloud.org/documents/1311564/wolf.pdf> (Downloaded December 3, 2014)

Another effort came in the form of a provision in the Fiscal Year 2015 House Commerce, Justice, Science, and Related Agencies Appropriations Bill that would provide almost \$1 million to the DOJ Office of Inspector General to review the FARA office: “The report should take into account FARA filing trends and foreign government tactics to engage in public advocacy in the United States while avoiding FARA registration. The report shall recommend administrative or legislative options for the improvement of FARA enforcement.”¹³¹

Enforcement

Criminal and civil enforcement of FARA, particularly the regulations regarding informational materials, have been minimal in the recent past. First, the DOJ needs to know whether or not a violation of FARA has taken place. The primary method on which the Enforcement Unit depends is “voluntary compliance,” according to the FARA office’s website¹³²:

“The cornerstone of the Registration Unit’s enforcement efforts is encouraging voluntary compliance. This includes the essentially administrative function of providing registration forms, with copies of the Act, Rules, Regulations, and guidelines for responses to the firms and individuals registered under the Act, as well as the members of the public, press and bar who write or call to request them. It also includes the more proactive outreach to the primarily professional communities (law, advertising, political and public relations) from which the majority of agents are drawn, as well as informing and educating prosecutors, and interested Departments and Agencies regarding the Act.”¹³³

If entities or individuals are unsure about needing to register or about any other aspect of FARA, they can submit an advisory opinion request, which allows the DOJ to let the requesters know if they are in compliance.¹³⁴ The obvious weakness in this process is that it relies on voluntary actions by the regulated.

Should entities or individuals who were supposed to register fail to do so, or, once registered, should they violate the FARA statute or regulations, the Registration Unit has a number of options available to try to hold them accountable. One is to send an administrative resolution letter to check compliance, which is the most commonly exercised option.¹³⁵ An administrative resolution is a “letter advising the person of the existence of FARA and the possible obligations thereunder.”¹³⁶

¹³¹ House Committee on Appropriations, Report on the Commerce, Justice, Science, and Related Agencies Appropriations Bill, 2015, 113th Congress, 2014. <http://appropriations.house.gov/uploadedfiles/hrpt-113-hr-fy2015-cjs.pdf> (Downloaded December 3, 2014)

¹³² Department of Justice “FARA Frequently Asked Questions: Are There Criminal Penalties for Violating the Act?” <http://www.fara.gov/fara-faq.html#7> (Downloaded May 13, 2013)

¹³³ “Foreign Agents Registration Act Enforcement”

¹³⁴ Administration and Enforcement of Foreign Agents Registration Act of 1938, As Amended

¹³⁵ “Foreign Agents Registration Act Enforcement”

¹³⁶ “Foreign Agents Registration Act Enforcement”

The FARA Registration Unit can also conduct compliance inspections.¹³⁷ These inspections cover every aspect of a registrant’s relationship with a foreign principal including financial records, contracts and, “all correspondence, memoranda, cables, telegrams, teletype messages, and other written communications to and from all foreign principals and all other persons, relating to the registrant’s activities on behalf of, or in the interest of any of his foreign principals.”¹³⁸ From 2000 to 2004 the FARA office conducted a scant 8 audits and from 2004 to 2007 no audits were conducted at all.¹³⁹ The FARA office told POGO it has inspected 107 registrants since 2000, of which 99 were performed between 2008 and 2014. The FARA office said it now conducts an average of 12 to 15 inspections annually.¹⁴⁰

When the DOJ finds that an agent of a foreign principal has violated any aspect of the law or regulations, the Attorney General may request a U.S. district court order preventing the agent from continuing to represent the foreign principal either temporarily or permanently. The Attorney General may also request “an order requiring compliance with any appropriate provision of the subchapter or regulation thereunder.”¹⁴¹ Essentially this means that the FARA office can request a district court to order registrants to obey a law they should already be obeying. Furthermore, “the district court shall have jurisdiction and authority to issue a temporary or permanent injunction, restraining order or such other order which it may deem proper.”¹⁴²

FARA has specific penalties for foreign agents who fail to register correctly with the DOJ. The Attorney General can notify the registrant and suspend said registrant for 10 days or more until a fully compliant statement is submitted.¹⁴³

POGO asked the FARA Registration Unit about its use of the court injunction enforcement option and Dean Boyd, a spokesman for the DOJ, said, “While the FARA statute and regulations authorize the pursuit of formal legal proceedings, such as injunctive remedy options, the FARA Unit [has] not pursued injunctive remedy options recently and has instead utilized other mechanisms to achieve compliance.”¹⁴⁴ The other mechanisms described by Boyd include inspections and correspondence with registrants, and working with them to amend any incorrect registrations.¹⁴⁵

¹³⁷ 22 U.S.C. § 615

¹³⁸ 22 U.S.C. § 615

¹³⁹ Jake Weins, “Justice Department Records Show Dramatic Rise in FARA Enforcement,” November 16, 2011. <http://www.pogo.org/blog/2011/11/justice-department-records-show-dramatic-rise-in-fara-enforcement.html>

¹⁴⁰ FARA Registration Unit Staff Member, email message to Lydia Dennett, POGO Investigator, “RE: Questions Regarding the Foreign Agents Registration Act,” September 23, 2014.

¹⁴¹ 22 U.S.C. § 618(f)

¹⁴² 22 U.S.C. § 618(f)

¹⁴³ 22 U.S.C. § 618(g)

¹⁴⁴ Dean Boyd, spokesman for the Department of Justice, email message to Lydia Dennett, then-POGO Research Associate, “FW: Question on FARA Enforcement,” May 20, 2013.

¹⁴⁵ The Office of Public Affairs at the Department of Justice confirmed that Dean Boyd’s May 2013 statement remains accurate. Marc Raimondi, Public Affairs Specialist for the Department of Justice, email message to Lydia Dennett, POGO Investigator, “FARA Response,” October 7, 2014. (Hereinafter Marc Raimondi October 7, 2014 email message to Lydia Dennett)

The only other penalties available for FARA enforcement are criminal; there aren't lesser civil fines for the DOJ to levy against law-breakers. As Jahad Atieh, then-editor-in-chief of the *University of Pennsylvania Journal of International Law*, pointed out in 2010, the higher burden of proof for criminal cases "is a major disincentive for enforcement because the DOJ must convince a grand jury to indict, collect enough evidence to satisfy the higher burden of proof, face a jury who is often skeptical of sending someone to jail simply for not registering, and prove the FARA's current *mens rea* of intent to fraudulently file."¹⁴⁶

When POGO asked the FARA office about specific enforcement of violations involving informational materials, a spokesman for the DOJ's Office of Public Affairs stated: "...please note that we are unable to respond to all of your questions because, in accordance with long standing Departmental policy, the Department does not comment on the existence or nonexistence of an investigation or enforcement action, nor does the Department comment on specific registrations under FARA."¹⁴⁷

In recent years the media has reported on some unregistered lobbyists for foreign entities facing penalties for their failure to register under FARA. In 2010, former Representative Mark Delo Siljander (R-MI) and his co-defendant Abdel Azim El-Siddig pleaded guilty to charges that they operated as unregistered foreign agents in the U.S. while attempting to get the Islamic American Relief Agency removed from a list of charities suspected of having terrorist ties.¹⁴⁸ Both defendants were sentenced to a year and a day in prison. In 2014, Prince Asiel Ben Israel pleaded guilty to failing to register under FARA for his lobbying efforts on behalf of Zimbabwe's President Robert Mugabe. According to the *Chicago Tribune*, Ben Israel and his co-defendant, C. Gregory Turner, were to be paid \$3.4 million for working to lift economic sanctions against President Robert Mugabe and other top Zimbabwean officials. Ben Israel will spend up to 16 months in prison; Turner was acquitted of charges related to failing to register under FARA.¹⁴⁹

A significant weakness in FARA is that there aren't civil fines or investigative tools that the DOJ can easily use to punish lobbyists who frequently submit late or incomplete filings, who don't file if they should have, or who don't register if they should have. In 1987, the then-Senator John Heinz (R-PA) tried to amend the FARA to incorporate civil fines and investigations,¹⁵⁰ and a number of others have tried since then,¹⁵¹ but Congress has yet to enact these reforms.

¹⁴⁶ Jahad Atieh, "Foreign Agents: Updating FARA To Protect American Democracy," *University of Pennsylvania Journal of International Law*, Vol. 31, Issue 4, November 17, 2010, pp. 1082-1083.

<https://www.law.upenn.edu/journals/jil/articles/volume31/issue4/Atieh31U.Pa.J.Int%27IL.1051%282010%29.pdf> (Downloaded May 16, 2013)

¹⁴⁷ Marc Raimondi October 7, 2014, email message to Lydia Dennett.

¹⁴⁸ Representative Mark Delo Siljander pleaded guilty to violating the FARA registration requirement, while Abdel Azim El-Siddig pleaded guilty to conspiring with Siljander to violate FARA. John Bebow, Department of Justice, "Former Congressman Pleads Guilty To Obstructing Justice, Acting As Unregistered Foreign Agent," July 7, 2010. http://www.fara.gov/docs/siljander_press_070710.pdf (Downloaded May 13, 2013)

¹⁴⁹ Jason Meisner, "Activist gets prison time in Zimbabwe-lobbying case," *The Chicago Tribune*, August 21, 2014. <http://www.chicagotribune.com/news/local/breaking/chi-south-side-activist-gets-7-months-in-prison--20140821-story.html> (Downloaded December 3, 2014)

¹⁵⁰ For a full discussion of Senator Heinz's multiple attempts to reform FARA, see Philip J. Perry, "Recently Proposed Reforms to the Foreign Agents Registration Act," *Cornell International Law Journal*, Vol. 23, Issue 133, 1990.

CONCLUSION

POGO's Foreign Influence Database provides a cache of documents that were previously unavailable electronically. These documents allow lobbyists, public relations professionals, and other agents of foreign principals to explain in their own words precisely how they're working to promote foreign interests in the United States. These FARA registrants draft speeches, scripts, and even legislative proposals. Now documents from 2009 through 2012 are electronically available to the public via an easily searchable database.

While the documents provide an unprecedented level of transparency into the world of foreign lobbying, what they don't do is also compelling. Countless documents in the database do not conform to the requirements of the FARA statute. Furthermore, it's next to impossible to determine if the 573 U.S. firms, corporations, and individuals registered with FARA between 2009 and 2012 filed every document they distributed, or to tell who didn't register or file documents, but should have.

While registrants' compliance with FARA appears to be inadequate from our review, the DOJ's enforcement also appears lax. Enforcing FARA is not just an administrative matter; as stated repeatedly in the statute, it's required in order to have "due regard for the national security and the public interest."¹⁵²

The DOJ must use the enforcement power it has to ensure that registrants, and those who don't register, comply with all aspects of the law—including, and perhaps especially, those aspects that involve informational materials. Merely relying on "voluntary compliance" allows for rampant rule-breaking in the timely filing and labeling of informational materials.

<http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/cint123&div=13&id=&page=>
(Downloaded May 16, 2013)

¹⁵¹ The most recent congressional proponent of incorporating civil penalties into FARA is Representative Marcy Kaptur (D-OH), who in 2009, 2011, and 2013 introduced the "Ethics in Foreign Lobbying Act," which would require FARA violators "to pay a civil penalty in an amount not less than \$2,000 or more than \$5,000 for each violation committed." 113th U.S. Congress, Ethics in Foreign Lobbying Act of 2013 (H.R. 195), Introduced January 4, 2013, by Representative Marcy Kaptur. <http://www.govtrack.us/congress/bills/113/hr195/text> (Downloaded May 16, 2013)

¹⁵² 22 U.S.C. § 612

RECOMMENDATIONS

It is clear that much greater enforcement of FARA is needed—including better tools for enforcement. POGO recommends the following to maximize the transparency and accountability afforded by the Act.

Increase oversight and enforce FARA

The DOJ should conduct more audits, use all tools available to ensure better compliance, and strictly enforce the law when violations are found. When incomplete, inaccurate, or late filings are submitted, the DOJ should use its authority to suspend the foreign agent from lobbying. If necessary, the DOJ should seek court orders to prevent foreign agents from lobbying when they violate the law.

Incorporate civil fines into FARA

Congress should amend FARA to give the DOJ the authority to levy civil fines to punish offenders who do not properly label their FARA filings, who file late, who don't file if they should have, or who don't register if they should have. These penalties should increase with the severity and number of infractions.

Require registrants to provide additional information when filing informational materials

When FARA registrants file informational materials, they should be required to clearly state the original recipients of the documents and the original date of distribution. This additional information will significantly increase the transparency of foreign lobbying actions, which was the original goal of the Act. Furthermore, disclosure of the original date of distribution will enable the Justice Department to accurately determine how many registrants are violating the requirement to file informational materials within 48 hours.

Require electronic filing of informational materials

The Justice Department should require FARA registrants to file all paper informational materials electronically to eliminate any possible confusion regarding the date of filing. The automatic date stamp generated by the electronic filing will allow the Justice Department and the public to determine the extent to which registrants file their materials within the 48-hour deadline.

Make all informational materials electronically available

The FARA Registration Unit must provide free online access to all informational materials. The Registration Unit has begun accepting informational materials electronically, so posting these submissions to the FARA website would require minimal effort and would dramatically increase transparency.

Clarify the reporting requirements of Question 12 on the Supplemental Statements

The Justice Department's Supplemental Statement form requires lobbyists to detail their political activities on behalf of their foreign clients when answering Question 12. But it does not specify that the lobbyists must list any meetings conducted with policymakers, who they met with, the dates of the meetings, or the issue discussed. This language should be added to the existing requirements for disclosures in Question 12, which states the registrant must: "identify each such foreign principal and describe in full detail all such political activity, indicating, among other things, the relations, interests and policies sought to be influenced and the means employed to achieve this purpose."

Require disclosure when foreign agents lobby politicians on behalf of foreign clients and contribute to those politicians' campaigns

When lobbyists both communicate with government officials, candidates for public office or their staffs on behalf of foreign clients and contribute money to the policymaker's campaign fund, and when the contact and contribution fall within six months of each other, the lobbyists should be required to file timely disclosures that identify the overlap of each such contact and contribution. These disclosures should be made within 10 business days of the contribution or lobbying contact, whichever comes second. This heightened campaign finance disclosure requirement reflects the fact that lobbying on behalf of foreign clients is inherently different from lobbying on behalf of domestic interests.

Require the filing of all informational materials regardless of number of recipients

Registrants should be required to file informational materials if they are distributed to any person. If a lobbyist sends an email or letter to one pivotal legislator, such as a Committee chairman or someone working on a specific foreign policy, the lobbyist would not currently have to file that material. This law should be expanded to include documents sent to a single recipient.

Expand Office of Inspector General mandate to specify a review of informational materials compliance

The House Committee on Appropriations included a provision in the Fiscal Year 2015 House Commerce, Justice, Science, and Related Agencies Appropriations Bill that would provide almost \$1 million to the DOJ Office of Inspector General to review the FARA office. While the House members specifically requested a report on FARA registration, they should expand the review to also investigate violations of the informational materials regulations.