



October 25, 2019

The Honorable Charles Grassley
United States Senate
135 Hart Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510

The Honorable Jeanne Shaheen
United States Senate
506 Hart Senate Office Building
Washington, DC 20510

The Honorable Marco Rubio
United States Senate
284 Russell Senate Office Building
Washington, DC 20510

The Honorable Todd Young
United States Senate
185 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators Grassley, Feinstein, Cornyn, Shaheen, Rubio, and Young:

It is my pleasure to write to express the Project On Government Oversight's (POGO) support for your bipartisan Foreign Agents Disclosure and Registration Enhancement Act (S. 1762). POGO is a nonpartisan independent watchdog that investigates and exposes waste, corruption, abuse of power, and when the government fails to serve the public or silences those who report wrongdoing. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles.

Many of the provisions in your bill will promote more transparent and effective enforcement of the Foreign Agents Registration Act (FARA) and help prevent undue influence from foreign interests on American policymaking. In particular, this bill will bring some much-needed clarity to a dated law and its often confusing requirements, and will give the Department of Justice additional tools to ensure robust but fair enforcement.

A number of the provisions of this bill track recommendations POGO has been making for years. Specifically, and among the most important of the reforms, the bill will create stiffer civil penalties for violations of registration and other requirements under FARA. Enhanced civil penalties will strengthen FARA enforcement and serve as a more effective deterrent against noncompliance with the law. Further, the bill requires the department to develop a comprehensive enforcement strategy incorporating the various parts of the agency that interact to prosecute a FARA case.

We also applaud your inclusion of several measures to improve transparency and oversight of the department's use of this law. Reviews by the inspector general and the Government Accountability Office will ensure better understanding of how the department seeks to pursue more robust enforcement and how it will implement these changes.

The bill will also provide the department with the authority to issue civil investigative demands for information from suspected foreign agents. We applaud your inclusion of specific checks on the use of this civil investigative demand authority, including a sunset clause and a non-delegable provision. We also strongly agree with the need for more reporting requirements that will keep Congress better informed and prepared to conduct necessary oversight of FARA-related matters, particularly as those matters pertain to the use of civil investigative demand authority.

While we support the legislation, we are concerned that the checks on civil investigative demand authority included in the bill will not be enough. Without more robust checks and independent oversight, the authority could be susceptible to abuse and could give the federal government undue access to sensitive private information. We recommend that Congress establish judicial authorization requirements for this and any subsequent grants of civil investigative demand authority.

We further recommend that the bill eliminate the existing exemption in FARA that permits agents of "foreign principals" to register under the less stringent Lobbying Disclosure Act (LDA). The bill includes a requirement to have the Government Accountability Office audit the use of the exemption, and while this is a good first step, we believe an outright elimination is necessary to strengthen FARA and reduce the likelihood of abuse by those working on behalf of foreign interests.

Your bill to reform FARA will provide vital improvements to this law and we are happy to support many of the proposals you've included. As such, the Senate Foreign Relations Committee should consider the bill expeditiously. We look forward to continued work with your offices on this bill.

Sincerely,

A handwritten signature in blue ink that reads "Danielle Brian". The signature is written in a cursive, flowing style.

Danielle Brian
Executive Director