



Justice Department Faces Challenges in Registering Agents of Foreign Entities that Lobby U.S. Government

Jun 01, 2015

WASHINGTON – The Justice Department [recently acknowledged](#) that it relies on publicly available material and “voluntary compliance” with records requests when determining whether representatives of foreign entities are required to register under the Foreign Agents Registration Act (FARA). The Justice Department said it lacks the authority to compel potential FARA registrants to produce records that may indicate their obligation to disclose their activity on behalf of a foreign government or entity while working to influence U.S. public policy.

The acknowledgement was made after Senate Judiciary Committee Chairman Chuck Grassley [inquired about the FARA registration status](#) of Sidney Blumenthal, a former White House staffer under President Bill Clinton and a self-described Clinton Foundation advisor, and John Kornblum, a lawyer for the opposition party of the nation of Georgia, the Georgian Dream. Media reports indicate that Kornblum provided a personal letter from the leader of the Georgian Dream to then-Secretary of State Hillary Clinton via Blumenthal.

FARA requires individuals to register with the Justice Department if they act as a representative, employee, servant, or in any other capacity for a foreign entity for the purposes of engaging with a U.S. official. The Justice Department, however, stated that neither Blumenthal nor Kornblum is or ever has been registered as a foreign agent under FARA. In its response to Grassley, the Justice Department declined to answer whether it has sent letters of inquiry to Blumenthal and Kornblum, but is now looking into their work on behalf of the foreign entities.

In the last 10 years, the Justice Department has issued approximately 130 letters of inquiry to individuals requesting information to determine whether they are obligated to register under FARA. Of those, only 38 recipients were found to have an obligation to register. The remainder were either not obligated to register or did not provide information. It is unclear how many recipients chose not to provide the requested information and what, if any, repercussions they may face for lack of compliance. Grassley is seeking further information on the matter.

FARA was enacted to promote openness and transparency by ensuring that government officials and the public are aware of registrants' relationships with foreign entities when seeking to influence public policy. FARA requires registrants to periodically disclose business and financial information related to their involvement with foreign entities.

Grassley's inquiry can be found [here](#). The Justice Department's response can be found [here](#).

-30-

Caplin & Drysdale
Chartered