

United States Senate

WASHINGTON, DC 20510

July 1, 2021

VIA ELECTRONIC TRANSMISSION

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice

Dear Attorney General Garland:

For several years, in both the Obama and Trump administrations, Congress has conducted oversight of the Justice Department's lax and selective enforcement of the Foreign Agents Registration Act (FARA).¹ FARA is an important statute that was designed not to prohibit activity but rather to require individuals to register with the DOJ if they are acting as an agent of a foreign government or enterprise to influence U.S. policy or public opinion. This helps ensure transparency and accountability in the public policy arena. In that sense, FARA is a content-neutral regulatory scheme that would not require any entity or individual to refrain from certain types of speech.

Proper enforcement of, and compliance with, FARA remains a top priority of ours as foreign governments and enterprises continue to use agents within the United States as conduits to lobby for policy changes and engage in public relations activity for the benefit of foreign principals.² On June 18, 2019, consistent with our FARA oversight, we sent a letter to DOJ with respect to our concerns that Al Jazeera Media Network was engaged in activity that required it to register as a foreign agent under FARA.³ In that letter, we stated that:

[w]hen the available evidence is taken as a whole, it appears that Al Jazeera's broadcasts, including AJ+, mirror the policies and preferences of the Qatari government, which, together with the state funding and other indicia of agency, demonstrate that Al Jazeera and its media subsidiaries act as alter egos of the Qatari government in ensuring dissemination of the government's viewpoints.⁴

¹ The FARA requires individuals to register with the Department of Justice (DOJ) if they act, even through an intermediary, "as an agent, representative, employee, or servant" or "in any other capacity" at the behest of a foreign principal, including a foreign political party, government, or corporation, for purposes of engagement with a United States official to influence U.S. policy or the public. The registration applies to anyone who attempts to influence a U.S. government official on behalf of a foreign principal in an effort to "formulat[e], adopt[()], or chang[e] the domestic or foreign policies of the United States." Likewise, an individual whose activities are subject to registration under FARA and who sends informational material "for or in the interest of [a] foreign principal" with the intent or belief that such material will be circulated among at least two persons must transmit the material to the Attorney General no later than 48 hours after actual transmission. Notably, an ongoing failure to register with the DOJ is a continuing offense. 22 U.S.C. § 611 – Definitions: The term "foreign principal" includes - (1) a government of a foreign country and a foreign political party; (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

² Dep't of Justice, Recent FARA cases, (Nov. 13, 2019), <https://www.justice.gov/nsd-fara/recent-cases>

³ Letter from Senator Grassley, Chairman, Senate Finance Committee, et al. to The Honorable William Barr, Attorney General, Department of Justice (June 18, 2019). <https://www.grassley.senate.gov/news/news-releases/lawmakers-seek-fara-evaluation-qatari-owned-al-jazeera>

⁴ *Id.*

On September 14, 2020, according to reports, DOJ's National Security Division made the determination that AJ+, a subsidiary unit of Al Jazeera Media Network, must register under FARA because it engages in "political activities" on behalf of Qatar's government and is designed to "influence American perceptions" of "domestic policy," among other reasons.⁵ Based on reporting, it is unclear whether DOJ has required Al Jazeera Media Network to register as a foreign agent in addition to AJ+.

To date, AJ+ has willfully ignored DOJ's mandate and has failed to register as a foreign agent. With AJ+'s refusal to register under FARA, agents of the Qatari government continue to operate in the United States in violation of the law. We note that foreign agents of other countries have complied with DOJ letters of determination.⁶ Moreover, in addition to refusing to register under FARA, Al Jazeera Media Network created and launched a new media platform aimed at American audiences called "Rightly." The same factual and legal basis with respect to Al Jazeera's nexus to the Qatari government, for which DOJ determined AJ+ must register as a foreign agent, appears to apply equally to this new platform.⁷ Accordingly, the Department must explain what steps it has taken to require it, and its employees, to register under FARA.

In a press release that the Department issued regarding a Russian production company registering as a foreign agent, DOJ said the following:

Americans have a right to know who is acting in the United States to influence the U.S. government or public on behalf of foreign principals. The Department of Justice is committed to enforcing FARA and expects compliance with the law by all entities engaged in specified activities on behalf of any foreign principal, regardless of its nationality.⁸

Further, that same press release said:

Congress passed FARA in 1938, intending to ensure that the American public and our lawmakers know the source of information that is provided at the behest of a foreign principal, where that information may be intended to influence U.S. public opinion, policy and laws.⁹

Those statements apply equally to Al Jazeera Media Network and its related entities, which are controlled by a foreign government, receive financial support therefrom, and engage in activity to influence the U.S. Government and public on behalf of foreign principals.

Accordingly, it is imperative for DOJ to explain what, if any, steps it has taken to enforce the law and require Al Jazeera Media Network, AJ+ and Rightly to register under FARA. Please answer the following questions no later than July 16, 2021:

1. Since the Department of Justice has determined that AJ+ must register as a foreign agent under FARA, has the Department determined the same for Al Jazeera Media Network and Rightly? If so, what steps has the Department taken to enforce compliance? If not, why not?

⁵ Marc Tracy and Lara Jakes, *U.S. Order Al Jazeera Affiliate to Register as Foreign Agent*, The New York Times (Sept. 15, 2020; updated Oct. 30, 2020), <https://www.nytimes.com/2020/09/15/business/media/al-jazeera-fara.html>

⁶ Registered in accordance with FARA on March 12, 2020; see <https://efile.fara.gov/docs/6780-Exhibit-AB-20200312-1.pdf>. Registered in accordance with FARA on May 5, 2021; see <https://efile.fara.gov/docs/6958-Exhibit-AB-20210505-1.pdf>

⁷ "Rightly" is a news organization launched by Al Jazeera, thereby making it an extension of the Qatari government. Bill Chappell, "Al Jazeera Is Launching A Right-Leaning News Outlet Called Rightly," NPR, Feb. 23, 2021, available at: <https://www.npr.org/2021/02/23/970654967/al-jazeera-is-launching-a-right-leaning-news-outlet-called-rightly>

⁸ Department of Justice Press Release, *Production Company Registers Under the Foreign Agent Registration Act as Agent for the Russian Government Entity Responsible for Broadcasting RT* (November 13, 2017).

⁹ *Id.*

2. With respect to AJ+'s refusal to register under FARA, what steps has the Department taken to require them to do so? For example, has the Department begun enforcement proceedings against it? If not, why not?
3. Please provide all letters of inquiry and letters of determination the Department of Justice has sent to Al Jazeera Media Network, AJ+, Rightly and affiliated entities.
4. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Has Al Jazeera, AJ+, Rightly or any of its entities or employees ever requested an opinion in relation to work done on behalf of Qatar? If so, please provide a copy of the request and opinion.

Please send all unclassified material directly to the signers. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the signers, and provide a classified addendum to the Office of Senate Security. The signers comply with all laws and regulations governing the handling of classified information. They are not bound, absent their prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you for your attention to this important matter.



Charles E. Grassley
Ranking Member
Committee on the Judiciary



Marco Rubio
U.S. Senator



Tom Cotton
U.S. Senator



Ted Cruz
U.S. Senator



Todd Young
U.S. Senator