



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 11, 2021

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Ranking Member Grassley:

This responds to your letter, dated November 9, 2020, to the Department of Justice (Department) posing a series of questions relating to Hunter Biden, James Biden, and the Foreign Agents Registration Act (FARA) of 1938, as amended, 22 U.S.C. § 611 *et seq.*

FARA is an active, integral part of the Department's overall strategy to address threats to U.S. national security. For example, since 2016, more than 100 new registrants have registered pursuant to FARA each year, a notable increase from the fewer than 70 new registrants registering in 2015 and 2016. In addition, in 2019, the Department successfully used its civil enforcement authority for the first time since 1991 to obtain a court order that required the registration of a U.S. agent of a Russian state-owned media enterprise.

As you know, the Department's FARA Unit personnel regularly review public reporting to help identify potential foreign agents. When questions regarding a possible obligation to register come to the attention of the FARA Unit, through public reporting or otherwise, a letter of inquiry is sent to the appropriate individual or entity. After receiving letters of inquiry, the FARA Unit notifies the parties of the potential registration obligation, seeks additional information, and, based on any response, subsequently makes a determination as to whether a registration obligation exists.

Consistent with longstanding Department practice, any such letters of inquiry are considered investigative activity. Accordingly, unless and until the recipient of the letter registers under FARA, we neither confirm nor deny whether the Department sent letters of inquiry. Similarly, when an individual or entity seeks an advisory opinion as to whether certain conduct constitutes registrable activity under FARA, the Department posts its resultant opinion to its public website. Those opinions are, however, anonymized so that the Department does not reveal confidential information such as the identity of either the requestor or any other entity or individual discussed in the request. 28 C.F.R. § 5.2(m).

Consistent with the foregoing, we can neither confirm nor deny what if any communications or investigative steps the Department has taken with respect to the individuals

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and entities discussed in your letter. Please be assured that the Department takes any allegation of criminal conduct seriously. The information you provided may be shared with an appropriate investigative agency or component and any evidence of criminality will be carefully reviewed in light of the *Principles of Federal Prosecution*. See Justice Manual § 9-27.000.

The Department appreciates your longstanding interest in legislative efforts to improve FARA. We would be happy to work with you to provide technical assistance on any such efforts in this Congress. We hope this information is helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely

Joe Gaeta

Deputy Assistant Attorney General