

THE FOREIGN AGENTS REGISTRATION ACT:

2025 ANNUAL REVIEW

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EXECUTIVE SUMMARY

As former Attorney General Bondi's "first day" memos suggested would be the case, the theme of 2025 was the de-emphasis of Foreign Agents Registration Act ("FARA") enforcement. This would not have been surprising to readers of the Bondi memos, one of which announced the disbanding of the Foreign Influence Task Force ("[t]o free resources to address more pressing priorities, and end risks of further weaponization and abuses of prosecutorial discretion"). Furthermore, the memo instructed that "[r]ecourse to criminal charges under [FARA] and 18 U.S.C. § 951" would "be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors." The FARA Unit was instead instructed to "focus on civil enforcement, regulatory initiatives, and public guidance."

This seemed to mark a return to the pre-2016 era of FARA enforcement dormancy. FARA enforcement was re-energized after a 2016 Inspector General Report criticized the Department of Justice ("DOJ") for its FARA enforcement and management practices. In the subsequent years of FARA's resurgence, DOJ stepped up enforcement, issued clarifying guidance and advisory opinions, and initiated the first rulemaking process in years.

For most of 2025, FARA practice seemed routine, as we awaited evidence of the anticipated change in enforcement posture. Entity registrations continued apace, or increased, relative to the prior year, and pending prosecutions of individuals under FARA or FARA-related laws continued to wind their way through the judicial system.

For many months, DOJ did not issue any new guidance or advisory opinions, and the status quo seemed to prevail.

By year-end, the much awaited sea change was apparent, as DOJ dismissed several charges in the Henry Cuellar case and President Trump pardoned Mr. Cuellar. President Trump also pardoned former New York Police Department officer Michael McMahon who had been accused of acting as an agent of China to harass certain Chinese dissidents. In addition, DOJ released several advisory opinions, only to quickly remove them from the FARA website. DOJ also announced its withdrawal of rulemaking for several statutes—although, interestingly, not yet for FARA.¹

In September, President Trump issued a new Presidential Memorandum, directing the Joint Terrorism Task Forces ("JTTFs") of the Federal Bureau of Investigation ("FBI") to include the investigation of FARA and FARA-related issues within its mission. Congress, for its part, renewed or proposed new legislation to strengthen FARA



enforcement, indicating bipartisan support for at least some of these initiatives. As the year drew to a close, the Linda Sun case went to trial and ended with a hung jury. The U.S. Attorney's Office for the Eastern District of New York, it seems, intends to retry the case.

For the balance of the Trump Administration, we expect the closure of the Sun case, and enforcement actions involving espionage-like FARA cases, perhaps as a result of investigation by the JTTFs. We also anticipate added scrutiny of the non-profit sector, particularly among academic and political institutions (such as think tanks) and cultural interest groups that receive some benefit from foreign actors.

Meanwhile, in addition to federal legislative initiatives to amend or enhance FARA, several states have adopted FARA-like statutes. It could be, therefore, that state enforcement fills the gaps left by the feds.

In sum, FARA is not frozen, but aspects of its enforcement are in a kind of thaw. We continue to believe that entities and individuals within the statute's scope would do well to consider potential exposure—if not in this administration, then in a future administration—given the applicable five-year statute of limitations.

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INTRODUCTION



WHAT IS FARA?

Congress passed FARA in 1938.² The timing of its passage gives insight into FARA’s historical origins and the congressional purpose of the statute—to shine a light on foreign-initiated propaganda and public influence campaigns. FARA, at its core, is premised on transparency and disclosure. The rationale for requiring disclosure is to facilitate evaluation by the government and the American public of the activities of domestic agents who might otherwise be acting surreptitiously on behalf of unidentified foreign principals.³

The FARA Unit, which is within the Counterintelligence and Export Control Section (“CES”) of DOJ’s National Security Division (“NSD”), administers all aspects of the statute, including both criminal and civil enforcement, administrative inspections,⁴ and oversight of FARA registration.

FARA requires certain agents of foreign principals who are engaged in political activities, or other activities specified under the statute, to register with the FARA Unit. Registrants are required to periodically disclose certain aspects of their relationships with those foreign principals and to disclose receipts of foreign disbursements in support of their activities.⁵

FARA exempts certain activities from registration. But before relying on an exemption, an individual or entity within FARA’s scope should conduct a careful analysis to determine whether an exemption applies. As discussed later in this Report, FARA provides a process by which a prospective agent or the agent’s legal counsel can solicit a formal advisory opinion from the FARA Unit as to whether an obligation to register exists.⁶

THE FARA REGULATIONS

FARA authorizes the Attorney General to make rules and regulations necessary to carry out the provisions of the statute.⁷ The regulations were last updated in 2007, and recent proposed changes have since stagnated.



On December 13, 2021, DOJ published an Advance Notice of Proposed Rulemaking (“ANPRM”), seeking public comments on potential amendments to the FARA regulations.⁸ Three years later, on December 20, 2024, DOJ published a Notice of Proposed Rulemaking (“NPRM”), which was formally published in the Federal Register on January 2, 2025.⁹ However, as discussed in more detail on page 9 and in line with the apparent trend of deregulation efforts, DOJ issued a “Withdrawal of Rulemaking Actions,” on September 11, 2025, retreating from over fifty proposed rulemaking and other regulatory actions.¹⁰ Although FARA’s NPRM was not one of the impacted actions, DOJ’s withdrawal of rulemaking in other areas could indicate that amendments to FARA’s rules are unlikely in the near term.

RELATED STATUTES

FARA is not the only arrow in DOJ’s quiver to address foreign agents. Indeed, the FARA Unit analyzes activities pertaining to foreign principals in concert with FARA and several similar (and in some cases, overlapping) statutes including those discussed below:¹¹

- **2 U.S.C. § 1601**, the Lobbying Disclosure Act of 1995 (“LDA”), covers those engaged in “lobbying activities” on behalf of domestic and foreign interests. FARA exempts some lobbyists from registration as foreign agents if they are registered as lobbyists for foreign powers so long as they are registered under the LDA. If the foreign principal is the primary beneficiary of the exemption, the exemption will not apply.
- **18 U.S.C. § 219**, prohibits any federal “public official” from acting as an agent of a foreign principal who would otherwise ordinarily be required to register under FARA. Section 219 is designed to address conduct by public officials in undisclosed alliances with foreign principals. The first successful use of this statute in a prosecution of a public official was in the 2024 conviction of former Senator Robert Menendez, discussed in Saul Ewing’s last FARA Annual Report.
- **18 U.S.C. § 951**, requires anyone other than a diplomat acting on behalf of a foreign power to notify the Attorney General before acting on behalf of a foreign power. Registration under FARA satisfies this notification requirement. A significant exception to the Section 951 notification requirement is when the activity on behalf of the foreign power is commercial in nature, in which case registration is not required. As noted below, a similar “commercial exception” exists under FARA, which is the subject of one of the recent proposed regulatory amendments.
- **18 U.S.C. § 2386**, the “Subversive Activities Act,” requires registration by organizations engaging in political or military activity operating under foreign control, or that have the purpose of overthrowing the U.S. government by force.
- **50 U.S.C. § 851**, is the spy disclosure statute that requires registration by anyone who has received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a foreign country or foreign political party.

As noted above, some of these statutes (primarily those addressing traditional espionage) are likely to be of increased importance to the FARA Unit in the remaining years of this Administration, and others less so, given the instruction in former Attorney General Pamela Bondi’s February 5, 2025, memorandum (“Bondi Memo”) that “[r]ecourse to criminal charges under the Foreign Agents Registration Act (FARA) and 18 U.S.C. § 951 shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors.”¹²

CRIMINAL AND CIVIL ENFORCEMENT PENALTIES

As previewed above, the FARA Unit has both criminal and civil enforcement authority, with a mandate to use all tools at its disposal to compel compliance with FARA’s statutory and regulatory provisions.¹³ The FARA Unit works in concert with the FBI and the U.S. Attorneys’ Offices around the country to enforce FARA.

Criminal penalties apply only to *willful* violations of the Statute.¹⁴ Willfulness means more than mere knowledge and intent to violate the law. A willful violation requires an awareness that the law specifically prohibits the conduct in question.¹⁵

Criminal violations of the FARA statute can result in imprisonment for up to five years for each violation and a fine of up to \$250,000.¹⁶ Certain violations, such as failing to properly label informational materials, provide adequate disclosure to Congress or a federal agency, correct deficiencies in registrations, or entering into a contingent fee arrangement with a foreign principal, can be punished by imprisonment for up to six months and a fine of up to \$5,000.¹⁷

The obligation to register under FARA is a continuing one.¹⁸ Thus, a knowing and deliberate failure to file—or failure to supplement a prior registration—may be charged as a continuing offense and subject a defendant to multiple counts for related conduct.¹⁹ There is, however, a five-year statute of limitations in criminal cases that runs from the last overt act taken by the agent on behalf of a foreign principal.²⁰

As for civil enforcement, the FARA Unit may determine that certain prospective conduct requires registration. If, however, an agent fails to register as required, the FARA Unit is empowered to seek an injunction from a U.S. District Court to enjoin the prospective conduct or to require registration or supplemental information.²¹ The FARA Unit may put an entity or individual on notice of non-compliance with FARA’s registration requirements and, following a short grace period, the entity or individual may be deemed to be in violation of the statute for continued non-compliance.²²

In *Attorney General v. Wynn*, a 2024 civil case, the U.S. Court of Appeals for the D.C. Circuit held that the obligation to register as an agent ceases when the agent’s activity on behalf of the principal ceases.²³ In so holding, the Court relied in part upon the D.C. Circuit’s earlier holding in a criminal case, *United States v. McGoff*, that the government’s failure to charge a FARA violation within five years of an agent’s last overt act on behalf of the foreign principal meant the statute of limitations had lapsed.²⁴ The government petitioned for rehearing *en banc*, but the D.C. Circuit denied the petition on December 5, 2024.²⁵ Consequently, *Wynn*’s holding remains good law, though it is not binding in other circuits. While DOJ may hope for a cert-worthy circuit split to invite U.S. Supreme Court review, the *Wynn* decision is likely to remain influential and persuasive authority.

THE FARA UNIT'S BROCHURE

The FARA Unit has a simple two-page brochure, "Protecting the United States from Covert Foreign Influence," that provides a basic overview of FARA for general public awareness. The brochure illustrates four scenarios to aid with identifying unregistered agents of foreign principals.²⁶ It cautions that:



The brochure solicits reports of potential violations of the statute: "If you suspect you've encountered an unregistered agent of a foreign government, contact your local FBI field office or DOJ's FARA Unit."²⁸

CHANGING FARA ENFORCEMENT PRIORITIES

At the request of the House of Representatives, DOJ's Office of the Inspector General ("OIG") conducted an audit of DOJ's administration of the FARA statute and issued a report in 2016 (the "OIG Audit").²⁹ Until then, FARA had been at the bottom of DOJ enforcement priorities for decades. Indeed, among other observations, the OIG Report noted the number of FARA registrations had declined over the past few decades and that it was only rarely enforced.³⁰

The OIG Audit identified several factors leading to such decreased enforcement, including the passage of the LDA, the imposition of registration fees, the perceived breadth of some of the law's exemptions, and the limited civil tools for compelling production of information.³¹ The OIG found that within DOJ, there were differing interpretations as to the purposes of FARA enforcement compared to other related violations of law.³² Such discrepancies were due, at least in part, to various components of DOJ, such as the FBI, U.S. Attorneys' Offices, and the NSD, not communicating effectively about enforcement.³³

Finally, the OIG concluded that DOJ lacked a comprehensive enforcement strategy for FARA, and proposed a set of 14 recommendations to help improve FARA enforcement and administration. Among some of the more notable recommendations were: (1) considering making FARA advisory opinions publicly available; (2) developing a comprehensive strategy for FARA enforcement and administration that includes agencies conducting FARA investigations and prosecutions that is integrated with DOJ's national security efforts; (3) ensuring the FARA Unit timely informs investigators and prosecutors of reasons to decline FARA prosecutions; and (4) establishing a comprehensive system for tracking FARA cases under review, as well as the disposition of those cases.³⁴

Since the OIG Audit, DOJ publicly released advisory opinions that had been previously deemed confidential, issued letters of determination, and initiated several high-profile prosecutions. FARA seemed to have arisen, phoenix-like, from DOJ's basement.

However, the February 5, 2025 Bondi Memo³⁵ and a memorandum from President Trump in September 2025 ("Trump Memo")³⁶ indicated a return to the pre-2016 relative dormancy of FARA enforcement. In 2025, no significant prosecutions were initiated, and several of the prosecutions initiated after 2016 were subject to alternative resolutions or dismissed entirely.³⁷

The Bondi Memo addressed many FARA-related policy changes for charging, plea bargaining, and other criminal procedure matters, including a shift in resources for FARA enforcement. As noted above, under the Bondi Memo, criminal charges under FARA "shall be limited to instances of alleged conduct similar to more traditional espionage by foreign government actors."³⁸ The Bondi Memo stated that FARA enforcement shall focus on civil enforcement, regulatory initiatives, and public guidance.³⁹

The shift in FARA priorities was further evidenced by the September 2025 Trump Memo, which directed the JTTFs to utilize FARA enforcement in a comprehensive national strategy to combat political disruption.⁴⁰ However, to date, there have not been any such prosecutions, leaving the nature and extent of future FARA enforcement unclear.

2025 FARA CASES

FARA charges may be brought against both public and private entities or individuals. However, public officials are often charged under a companion statute to FARA, which prohibits public officials from acting in a manner that would require FARA registration—whether or not the official is registered.⁴¹ As noted above, no significant FARA prosecutions were charged in 2025. However, there have been several notable updates to existing FARA cases involving both public and private individuals, which are discussed below.

PUBLIC OFFICIALS



Linda Sun trial ends in hung jury

Linda Sun was indicted in September 2024 and charged with violating and conspiring to violate FARA, among other counts added in a superseding indictment.⁴² Sun’s trial began on November 12, 2025.⁴³ The government presented evidence Sun received over \$1 million in kickbacks and bribes for directing New York State personal protective equipment (“PPE”) contracts to certain Chinese companies that were connected to her family during the COVID-19 pandemic.⁴⁴ For example, Sun recommended a Chinese company for a PPE contract without disclosing that her family member worked for the company.⁴⁵ Additionally, the government introduced evidence at trial to show this family member diverted approximately \$2.3 million in kickbacks to Sun’s husband and co-defendant, Chris Hu.⁴⁶

The government also presented evidence regarding Sun’s alleged potential influence over then-Governor Andrew Cuomo and current Governor Kathy Hochul relating to foreign relations with China. Such influence allegedly included discouraging then-Governor Cuomo from mentioning China’s treatment of Uyghurs in a Chinese New Year video,⁴⁷ encouraging the removal of language from press releases referring to Taiwan as a country, and blocking invitations extended from

Taiwanese officials to the Governor.⁴⁸ The prosecutors also showed that Sun and her family received expensive homes, sports cars, and meals in exchange for her work on behalf of the Chinese government.⁴⁹

Sun's defense team argued she was employed by the state of New York to be a liaison to Chinese Americans and that she fulfilled this duty, whether through procuring PPE for New York citizens or counseling the governors to avoid hot button issues.⁵⁰ The defense further argued that the gifts Sun received were part of "a common cultural and political practice" in China and that other state officials received similar gifts from the Chinese government.⁵¹

The jury began deliberating on December 12, 2025.⁵² On December 22, jurors advised the judge they could not reach a unanimous verdict on any charges, and the judge declared a mistrial.⁵³ The government informed the judge it intended to retry the case,⁵⁴ and following a status conference on January 28, 2026, jury selection was set for January 18, 2027.



Cuellar Pardon

Congressman Enrique Roberto "Henry" Cuellar (D-TX) and his wife, Imelda Cuellar, were charged in the Southern District of Texas with violations of FARA's companion statute, 18 U.S.C. § 219, which pertains to public officials.⁵⁵ The Cuellars allegedly received bribes from the Azerbaijan government and a Mexican bank and then laundered those bribes through front companies and middlemen to shell companies owned by his wife Imelda.⁵⁶ Trial was scheduled to begin on September 22, 2025.

However, the government moved to dismiss the charges, and the court granted the motion on August 19, 2025.⁵⁷ In its motion, the government cited the Bondi Memo and the Memo's stated intention to limit the criminal enforcement of FARA.⁵⁸ The court held that the reasons for limiting criminal enforcement of FARA, as outlined in the Bondi Memo, were not "clearly contrary to the public interest," [and thus] the court "must" grant [the government's] motion.⁵⁹ The court also dismissed the Cuellars' argument that the dismissal should be with prejudice because the Cuellars had not presented "evidence that the government is acting in bad faith or with the intent to harass them at a future time."⁶⁰ The court scheduled the Cuellars' appearance in court on the remaining bribery and conspiracy charges for April 6, 2026.⁶¹

But on December 4, 2025, President Trump pardoned Cuellar and his wife in connection with the remaining bribery and conspiracy charges.⁶² President Trump issued a statement declaring that Cuellar "bravely spoke out against Open Borders" and accused the Biden Administration of targeting Cuellar and his wife due to Cuellar's criticism of the Biden Administration's immigration policies.⁶³ According to reports, the pardon came after Cuellar's legal team approached DOJ and made "a pretty substantive presentation" including submission of a letter from Cuellar's daughters sympathizing with President Trump and his family during President Trump's own criminal proceedings.⁶⁴

PRIVATE INDIVIDUALS



Pardon of Michael McMahon

Michael McMahon, a former New York Police Department Sergeant, was convicted in June 2023 of acting as an agent of the Chinese government under a FARA-related statute.⁶⁵ A jury in the Eastern District of New York concluded that McMahon and his co-conspirators threatened and harassed an individual in order to compel the individual and his family to return to China and face corruption charges.⁶⁶ McMahon was hired by his co-conspirator to investigate the individual and report back to a representative working for the Chinese government.⁶⁷ McMahon's co-conspirators then used this information to harass and intimidate the individual.⁶⁸ On April 16, 2025, McMahon was sentenced to 18 months in prison.⁶⁹

However, on November 7, 2025, President Trump pardoned McMahon.⁷⁰ A White House official stated that "[t]he investigation of Mr. McMahon and his trial had issues—key interviews were not disclosed and key witnesses allegedly fabricated incidents[.]"⁷¹ The official also stressed McMahon's career in law enforcement and his service after September 11, 2001.⁷²

STATUS OF NOTICE OF PROPOSED RULEMAKING

THE EARLY 2025 PROPOSED CHANGES TO FARA

After nearly 14 years without issuing a FARA rule change, DOJ issued an ANPRM on December 13, 2021, with 19 questions relating to revisions, additions, and clarifications of FARA that were open for public comment.⁷³ After the public comment period ended, years passed with no update on FARA's anticipated proposed amendments.

Consistent with Biden Administration priorities, DOJ announced it would finally issue its NPRM on January 2, 2025, over three years after issuing the ANPRM.⁷⁴ The proposed amendments centered around clarification and modification of the FARA exemptions, including the exemption for private, nonpolitical activities in furtherance of bona fide trade or commerce (the "Commercial Exemption").⁷⁵ Currently, the Commercial Exemption does not apply when an individual is engaging in activities that "directly promote" the political or public interest of a foreign government or political party.⁷⁶ DOJ proposed removing the word "directly," meaning the Commercial Exemption would apply to activities that both directly *and* indirectly promote the interest of a foreign government or party, expanding FARA's reach.⁷⁷

DOJ also proposed a change to the "Other Activities Exemption," which exempts political activity on behalf of a foreign corporation only if it directly furthers a bona fide commercial, industrial, or financial operation of the foreign corporation.⁷⁸ The Other Activities Exemption sometimes captured even non-commercial activity if it was primarily conducted on behalf of domestic interests rather than a foreign interest. The NPRM sought to restrict this exemption further by proposing four exclusions to the exemption, which *would* require FARA registration—*i.e.*, cases in which:

1

the intent is to promote or benefit a foreign government or political party,

2

a foreign government or political party itself influences the activities,

3

the principal beneficiary is a foreign government or political party, and

4

the activities are directly or indirectly supervised or financed by a foreign government or political party.⁷⁹

If the potential applicant's activities do not neatly fall within one of the four exclusions, DOJ proposed a new "totality of the circumstances" test to determine whether the activities serve a predominantly domestic or foreign interest.⁸⁰ The proposed rule would therefore give DOJ broad discretion to apply the exemption.

CURRENT STATUS OF FARA RULEMAKING

On September 11, 2025, DOJ announced the "Withdrawal of Rulemaking Actions," which applied broadly to rulemaking in progress in several areas—but did *not* include the FARA NPRM.⁸¹ DOJ's withdrawal of rulemaking is consistent with its overall deregulatory initiative and reassessment of department priorities.⁸² While these deregulatory efforts have not, to date, included FARA's proposed regulations, DOJ has remained silent about the fate of FARA's proposed changes.

While the future of the proposed FARA amendments hangs in limbo, the Trump Memo previewed above announced that FARA enforcement will become a heightened DOJ priority in the pursuit of fighting domestic terrorism.⁸³ In denouncing the political violence associated with events such as the assassination attempts upon himself, the assassination of Charlie Kirk, and the Los Angeles and Portland riots against U.S. Immigration and Customs Enforcement ("ICE"), President Trump described these events as "a culmination of sophisticated, organized campaigns of targeted intimidation, radicalization, threats and violence."⁸⁴ To disrupt such campaigns, President Trump directed the JTTFs to investigate "non-governmental organizations and American citizens residing abroad or with close ties to foreign governments, agents, citizens, foundations, or influence networks engaged in violations of the Foreign Agents Registrations Act . . . by funding, creating, or supporting entities that engage in activities that support or encourage domestic terrorism."⁸⁵



2025 ADVISORY OPINIONS

DOJ permits the public to submit inquiries to the FARA Unit and receive guidance in the form of advisory opinions. In response to the 2016 OIG Audit discussed above, DOJ began releasing anonymized versions of the advisory opinions as a resource for those seeking general guidance on FARA compliance. In October and November 2025, DOJ published and then withdrew 17 advisory opinions. These briefly-published opinions were the first and only advisory opinions under the second Trump Administration, and ranged in dates from February 2025 to October 2025. As a result of their withdrawal, the most recent available advisory opinions on DOJ's FARA website are from September 2024.

Most of the 2025 advisory opinions addressed the Commercial Exemption and the Other Activities Exemption. The Commercial Exemption advisory opinions are consistent with previous DOJ guidance, finding entities eligible for the exemption when the activities primarily advance private, commercial interests and are nonpolitical.⁸⁶ One opinion letter, from May 1, 2025, concluded the Commercial Exemption applied to the foreign agent in question.

The Other Activities Exemption, however, is subject to greater ambiguity. In recent years, DOJ began to shift its interpretation of the Other Activities Exemption, which creates an exemption to FARA registration requirements when an entity engages "in other activities not serving predominantly a foreign interest."⁸⁷

Previously, under the Other Activities Exemption, potential foreign agents were not required to

register if their activities were not tied to a foreign government, foreign political party, or intended to promote foreign governmental or political interests.⁸⁸ Many private foreign non-profits and for-profits have used this exemption as a basis for not registering under FARA.

In 2023 and 2024, DOJ began shifting its focus to whether the activities in question primarily serve a foreign interest generally, rather than serving specifically *governmental* or *political* foreign interests.⁸⁹ Thus, in several of the briefly-published advisory opinions, DOJ identified the interests of foreign *private* entities as a factor in the analysis of whether the Other Activities Exemption applied. For example, in an advisory opinion from April 14, 2025, DOJ expressly considered that the U.S. entity in question would serve the interests of a foreign company (albeit one serving the interests of foreign government at the same time) in concluding that the Other Activities Exemption did not apply.⁹⁰ In another opinion from June 9, 2025, in which DOJ decided the exemption applied to a potential FARA registrant, DOJ noted that the activities in question would primarily serve domestic rather than foreign interests.⁹¹

Ordinarily, these advisory opinions can be extremely informative, not just for the potential registrant, but for others. By analyzing the rationale DOJ gives for coming to a conclusion on whether the registration is required of the applicant, other potential applicants can inform their own FARA compliance analysis. Thus, DOJ's decision to quickly remove the published advisory opinions is unfortunate.



LEGISLATIVE DEVELOPMENTS

Throughout 2025, various Congressional members introduced bills to amend FARA. These include Senate Bill 2305—the Foreign Registration Obligations for Nonprofit Transparency (the “FRONT Act”),⁹² Senate Bill 856—the Disclosing Foreign Influence in Lobbying Act (the “DFIL Act”),⁹³ and Senate Bill 865—the Lobbying Disclosure Improvement Act (the “LDI Act”).⁹⁴ Along with those bills are two proposed amendments to Senate Bill 2296—the National Defense Authorization Act (the “NDAA”) for Fiscal Year 2026: (1) the Preventing Adversary Influence, Disinformation, and Obscured Foreign Financing Act of 2025 (the “PAID OFF Act of 2025”)⁹⁵ and (2) Senate Amendment 3454, both of which pertain to FARA.⁹⁶ Finally, Senate Bill 981—the Foreign Agents Transparency Act of 2025 (the “FATA”), was also introduced in 2025.⁹⁷ These proposals are discussed below.

The Foreign Registration Obligations for Nonprofit Transparency Act—FRONT Act

Senator Theodore Budd (R-NC) introduced the FRONT Act on July 16, 2025.⁹⁸ His co-sponsors were Senators Pete Ricketts (R-NE), Josh Hawley (R-MO), and James Justice (R-WV). Upon introduction, the bill was read twice and is currently in the Senate Committee on Foreign Relations.⁹⁹

The FRONT Act seeks to treat certain tax-exempt organizations receiving funding from foreign principals of foreign countries as agents of a foreign principal under FARA.¹⁰⁰ The bill states explicitly that any such organization would not be exempt from registration under FARA’s LDA exemption.¹⁰¹ However, should such an organization solicit international funds for humanitarian assistance, it would retain its FARA-exempt status, as enumerated in 22 U.S.C. § 613(d)(3).¹⁰²

The FRONT Act encompasses all nonprofit structures identified in sections 501(c)(4)–(6) of the Internal Revenue Code.¹⁰³ The bill also covers organizations that receive money, income, or items of value from a foreign principal of a foreign country of concern.¹⁰⁴ The bill defines a foreign principal as any government, political party, or national from a foreign country of concern.¹⁰⁵ Foreign countries of concern include China, North Korea, Russia, Iran, Cuba, and Venezuela.¹⁰⁶ In addition, the bill permits the Secretary of State to include other nations as the Secretary determines.¹⁰⁷ An entity or organization would be required to register if its principal place of business is in a foreign country of concern,¹⁰⁸ or if at least fifty percent of its funding is from a government, political party, or a national of a foreign country of concern, or a collective organized under the laws of or having its principal place of business in a foreign country of concern.¹⁰⁹

The Disclosing Foreign Influence in Lobbying Act—DFIL Act

Senator Charles Grassley (R-IA) introduced Senate Bill 856 on March 5, 2025.¹¹⁰ Five senators co-sponsored the bill: John Cornyn (R-TX), Richard Durbin (D-IL), Margaret Hassan (D-NH), Josh Hawley (R-MO), and Gary Peters (D-MI).¹¹¹ Notably, House Representative Mariannette Miller-Meeks (also from Iowa) introduced an identical bill in the House of Representatives.¹¹²

Although the bill has struggled to gain traction in the House, it has had better luck moving forward in the Senate.¹¹³ It passed unanimously through the Senate Committee on Homeland Security and Government Affairs,¹¹⁴ which ordered it to be reported without any amendments on July 30, 2025.¹¹⁵ On December 16, 2025, the bill unanimously passed in the Senate without any amendments.¹¹⁶

The bill seeks to amend the LDA to clarify a provision relating to certain registration contents in the LDA.¹¹⁷ Specifically, it would require further disclosures from lobbyists, including the name and address of each government of a foreign country and foreign political party, other than the lobbyist's client, that has a hand in directing, planning, supervising, or controlling any of the lobbyist's lobbying activities.¹¹⁸

The Lobbying Disclosure Improvement Act—LDI Act

Senator Gary Peters (D-MI) introduced this bill and Senator Charles Grassley (R-IA) co-sponsored it.¹¹⁹ Like the DFIL Act, the LDI Act has an identical version in the House of Representatives with Representative Joseph Neguse (D-CO) as its sponsor and Charles Roy (R-TX) as its co-sponsor.¹²⁰ Both bills were introduced on March 5, 2025.¹²¹ Also like the DFIL Act, it has fared better in the Senate than in the House, where it was referred to the

House Committee on the Judiciary upon its introduction and where it remains.¹²²

In the Senate, the bill unanimously passed the Senate Committee on Homeland Security and Government Affairs.¹²³ On December 16, 2025, the bill then passed the Senate without amendment by unanimous consent.¹²⁴

The bill seeks to amend the LDA to require certain disclosures of registrants that fall under FARA's LDA exemption.¹²⁵ It applies specifically to lobbyists, adding another registration requirement with which registrants must comply.¹²⁶ That new requirement is a statement as to whether the registrant falls under FARA's LDA registration exemption.¹²⁷

The Preventing Adversary Influence, Disinformation, and Obscured Foreign Financing Act of 2025—PAID OFF Act

Senator John Cornyn (R-TX) introduced this as an amendment to the bill for the NDAA for Fiscal Year 2026 on August 1, 2025.¹²⁸ Then, on October 23, 2025, Senator Cornyn proposed it as a separate bill to amend FARA.¹²⁹ The bill's co-sponsors are Senators John Kennedy (R-LA), Charles Grassley (R-IA), Peter Welch (D-VT), Thomas Tillis (R-NC), William Hagerty (R-TN), Debra Fischer (R-NE), James Risch (R-ID), and Sheldon Whitehouse (D-RI).¹³⁰ The bill was read twice and referred to the Committee on Foreign Relations.¹³¹

On November 18, 2025, House Representatives August Pfluger (R-TX) and Jason Crow (D-CO) introduced an identical bill in the House of Representatives.¹³² The bill was then referred to the House Committee on Foreign Affairs, along with the Judiciary and Rules Committees.¹³³ Notably, the amendment was introduced as part of the NDAA for Fiscal Year 2026 (S. 2296) bill sponsored by Senator Roger F. Wicker (R-MS).¹³⁴ However, a competing NDAA bill introduced by Senator John Cornyn (R-TX), which did not

include the PAID OFF Act language, became law on December 9, 2025, while Wicker’s version of the NDAA has been held in the House of Representatives since November 12, 2025.¹³⁵

The PAID OFF Act of 2025 aims to “modify requirements under [FARA] relating to exemptions, and for other purposes.”¹³⁶ It seeks to do so in several ways: *First*, by limiting FARA’s Commercial¹³⁷ and LDA¹³⁸ exemptions to agents of foreign principals that are *not* corporate or government entities owned or controlled by at least one country identified in the State Department Basic Authorities Act of 1956 (“SDBA”).¹³⁹ *Second*, by permitting the Secretary of State, in consultation with the Attorney General, to propose to Congress an adjusted list of countries of concern in the SDBA.¹⁴⁰ Senator Cornyn stated that by “exposing the efforts of countries of concern like China or Russia to exert malign influence, this legislation would better safeguard U.S. decision making.”¹⁴¹ Senator Risch added that China and Russia, as the “United States’ biggest adversaries[,] have exploited loopholes in U.S. lobbying laws to influence senior government officials and advance their geopolitical goals.”¹⁴² The bill would ostensibly “close dangerous loopholes and strengthen our national security,” said Senator Tillis.¹⁴³ *Third*, by establishing a sunset provision permitting the first two proposals to remain in effect for five years, after which, Congress may reassess the proposals’ necessity and effectiveness.¹⁴⁴

Senate Amendment 3454 to the NDAA

Senator Charles Grassley (R-IA) sponsored this bill, along with Senator John Cornyn (R-TX) as its co-sponsor.¹⁴⁴⁵ It is an amendment to the NDAA for Fiscal Year 2026.¹⁴⁶ The amendment proposes an additional definition to the list of definitions enumerated in FARA.¹⁴⁷ The new definition is for “informational material,” which the amendment defines as material whose disseminator believes, has reason to believe, or intends that the material influences government officials or agencies or the U.S. public.¹⁴⁸ This definitional change is aimed at increased transparency over foreign influence, by clarifying the types of materials used to sway public opinion, and would require registration under FARA.¹⁴⁹

This amendment to the NDAA for Fiscal Year 2026 also amends FARA’s “[f]iling and labeling of political propaganda” subsection, to replace “political propaganda” with “informational material.”¹⁵⁰ Further, it requires registrants to disclose that they are registered with FARA on any materials those registrants provide to federal government officials or requests for advice from those same officials.¹⁵¹

Similar to the PAID OFF Act of 2025, Senate Amendment 3454 was included in the language of Senator Wicker’s NDAA, but was not included in Senator Cornyn’s version that became law in December 2025.¹⁵²

The FATA Amendment

Senator Chuck Grassley (R-IA) introduced this bill in the Senate as an amendment to FARA.¹⁵³ The bill’s co-sponsors are Senators Gary Peters (D-Mich.), Todd Young (R-Ind.) and Elizabeth Warren (D-Mass).¹⁵⁴ The bill was read twice and referred to the Senate Foreign Relations Committee.¹⁵⁵ An identical bill was also introduced in the House of Representatives by its sponsor Representative Ben Cline (R-VA), and co-sponsor Representatives John Moolenaar (R-MI), Raja Krishnamoorthi (D-IL), Dusty Johnson (R-SD), Robert Wittman (R-VA), Donald Davis (D-NC), and Seth Moulton (D-MA). This bill was referred to the House Committee on the Judiciary.¹⁵⁶

The bill seeks to amend FARA by clarifying the obligations of foreign agents to register for activities carried out previously on behalf of a foreign principal.¹⁵⁷ This bill comes on the heels of the *Wynn* ruling that a foreign agent cannot be held liable for failing to register under FARA if, at the time of enforcement, the agent had ceased acting as an agent of the foreign principal.¹⁵⁸ The FATA amendment would change this by imposing a continuing obligation to register. Senator Grassley stated that “[f]oreign agents who fail to register their service to a foreign government or enterprise have an ongoing obligation to transparency, even after they’ve left their lobbying or policy-related job.”¹⁵⁹ The bill would enable the Attorney General to order an unregistered agent to register retroactively even after they have ceased their qualifying activities.¹⁶⁰ This is not the first time Senator Grassley has proposed a fix for the *Wynn* retroactivity issue and received bi-partisan support.¹⁶¹

FARA STATE LEGISLATION

For the first time, FARA-like laws have been adopted by certain states. Such laws—sometimes dubbed “FARA-lite” or “baby FARA” laws—are designed to regulate state political activity potentially subject to foreign influence.

As discussed in Saul Ewing’s last FARA Annual Report, several states introduced FARA-like laws in 2024. Some of those proposed laws, including in Montana, Missouri, Indiana, and West Virginia, failed. However, six states passed FARA-like laws, which are now in effect and summarized below.

Florida



Senate Bill 700 became effective on July 1, 2025. It uses the state’s charitable solicitation framework to regulate foreign involvement by prohibiting

solicitation or acceptance of a contribution or anything of value from a “foreign source of concern,” which is affiliated in various defined ways with a “foreign country of concern.”¹⁶² Under Florida law, the term “foreign country of concern” includes China, Russia, Iran, North Korea, Cuba, Venezuela, and Syria.¹⁶³ Notably, another Florida FARA-like bill, Senate Bill 766, would have required registration of agents and organizations associated with foreign countries of concern, but it died in committee.¹⁶⁴

Arkansas



House Bill 1800 became effective on July 15, 2025. It requires registration with the Arkansas Secretary of State by any person acting as a representative of a hostile

foreign principal.¹⁶⁵ The law defines “hostile foreign nations” to mean China, Russia, North Korea, and Iran.¹⁶⁶ Arkansas’s law also requires “foreign-supported political organizations” that have, within the past five years, received money or other things of value from a hostile foreign principal or representative to register with the Secretary of State.¹⁶⁷ Any person may file a citizen complaint alleging violation of the law’s requirements.¹⁶⁸ The Secretary of State may assess civil penalties up to \$500 for each violation and up to \$2,000 for each willful violation.¹⁶⁹

Texas



House Bill 119 became effective on September 1, 2025. It requires registration with the Texas Ethics Commission by any person who communicates directly with one or more members of the Texas

legislative or executive branch on behalf of a “foreign adversary, a foreign adversary client, or a foreign adversary political party.”¹⁷⁰ Additionally, the law prohibits compensation from a foreign adversary.¹⁷¹ The law defines “foreign adversary” as one designated by the U.S. Secretary of Commerce under 15 C.F.R. § 791.4—*i.e.*, China, Cuba, Iran, North Korea, Russia, and the Maduro Regime of Venezuela.¹⁷² The Attorney General may bring an action for injunctive relief and civil penalties relating to violations, and the penalties may include \$10,000 for each violation and the amount of any compensation the registrant received in violation of the Texas law.¹⁷³

Nebraska



Legislative Bill 644 became effective on October 1, 2025. It requires registration with the Nebraska Attorney General by any person

acting as an agent of a foreign principal from an “adversary nation” or a “foreign terrorist organization.”¹⁷⁴ Similar to the Texas law, the Nebraska Law refers to 15 C.F.R. § 791.4 for the definition of “adversary nation.”¹⁷⁵ The definition of “foreign terrorist organization” incorporates those designated by the U. S. Department of State pursuant to 8 U.S.C. § 1189.176 Violations are subject to a civil penalty of up to \$50,000.¹⁷⁷

Oklahoma



Senate Bill 660 became effective November 1, 2025. It requires registration with the Oklahoma Attorney

General by any person acting as an agent of a foreign principal “from a country of particular concern.”¹⁷⁸ A “country of particular concern” is defined as any country designated as such or as hostile by the U.S. Secretary of State.¹⁷⁹ Felony conviction for a willful violation of the law may result in a fine up to \$100,000 and/or imprisonment for five years.¹⁸⁰

Louisiana



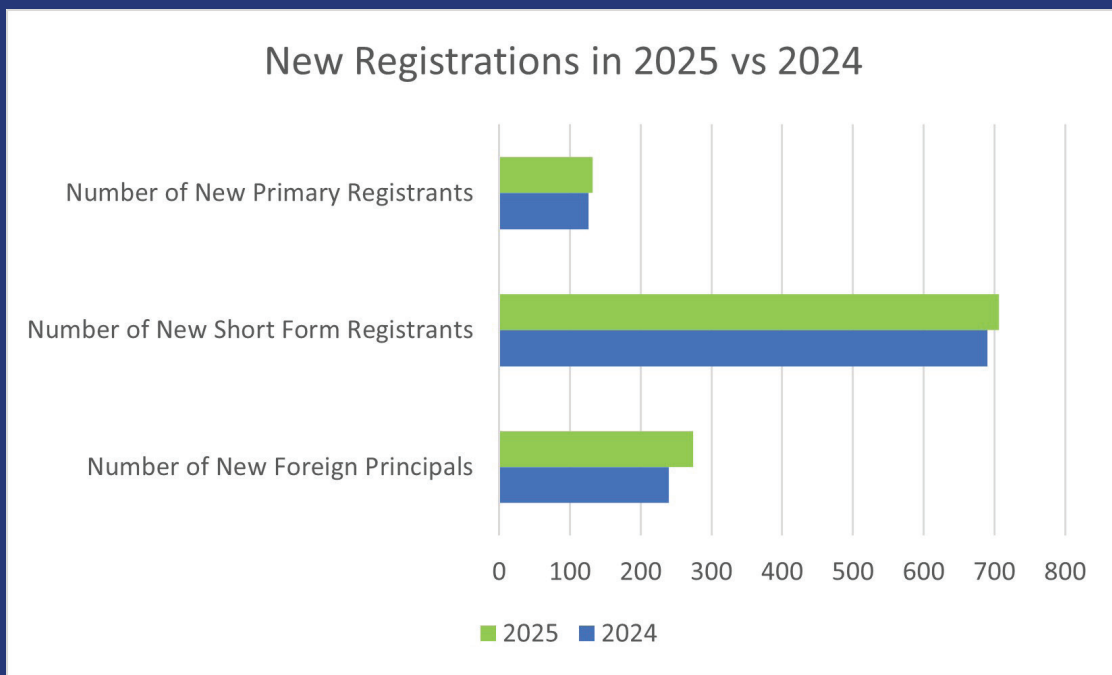
House Bill 686 became effective December 1, 2025. It requires any person “engaged in lobbying on behalf of a foreign adversary” to register with the Louisiana Board of

Ethics.¹⁸¹ As with the Texas and Nebraska laws, the Louisiana law defines a “foreign adversary” as one identified in 15 C.F.R. § 791.4, but also includes any individual, corporation, or government identified in the database maintained by the U.S. Department of the Treasury, Office of Foreign Assets Control.¹⁸²

It remains to be seen to seen how states will enforce these laws, and how federal and state prosecution in this area may overlap.

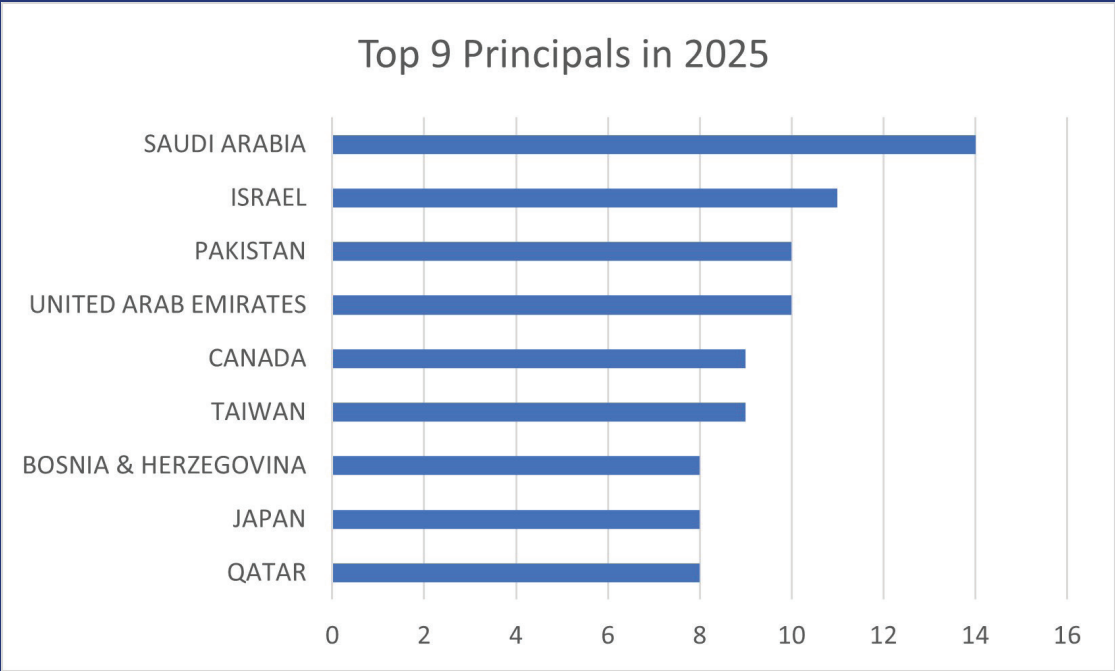
2025 REGISTRATIONS

DOJ's FARA registration database tracks primary registrants (*i.e.*, individuals or entities registered with the FARA Unit), short form registrants (*i.e.*, partners, officers, directors, associates, employees, and agents of a registrant), and principals (*i.e.*, foreign persons, entities, government, or political parties covered by FARA).¹⁸³ When compared with 2024, there was a slight uptick in 2025 registrations for all three categories, as depicted in the below chart:



2025 REGISTRATIONS

For the new principals registered in 2025, the top nine most frequently-registered associated foreign countries are listed in the chart below. Only three of these countries (Saudi Arabia, Japan, and United Arab Emirates) appeared in the 2024 top ten list. The other six countries (Israel, Pakistan, Canada, Taiwan, and Bosnia & Herzegovina) are relatively newer FARA frequent filers:





OTHER FARA ISSUES WE'RE WATCHING

GENERAL CHANGES IN ENFORCEMENT

Criminal enforcement of FARA has dropped substantially, with no new significant prosecutions brought in 2025. Further, as detailed above, DOJ dismissed some pending FARA charges against Cuellar,¹⁸⁴ and President Trump pardoned multiple individuals in connection with FARA-related violations. However, civil FARA enforcement is still in play—the Bondi Memo stated that enforcement shall occur through “civil enforcement, regulatory initiatives, and public guidance.”¹⁸⁵ FARA scrutiny may be shifting to civil enforcement of a wider set of foreign activities, particularly those in the nonprofit sector.

RETROACTIVITY OF REGISTRATION REQUIREMENT

As discussed above, the U.S. Court of Appeals for the D.C. Circuit held in *Wynn* that any FARA registration obligation ends when the agent is no longer acting on behalf of the principal.¹⁸⁶ This decision has already spurred legislative proposals to add a retroactive registration requirement, such as the FATA amendment proposed by Senator Grassley.¹⁸⁷ If passed, this would amend FARA to impose a continual obligation on foreign agents to register for past activities on behalf of a foreign principal. Given the support of DOJ’s FARA Unit for a retroactivity fix, and the relative weakness of the registration requirement without one, further legislative efforts to address retroactivity are likely.

NATIONAL FORUM ON FARA HIGHLIGHTS

Although FARA enforcement may not be as aggressive under the second Trump Administration in certain respects, there are still a number of sectors that should be wary of putting FARA registration on the back burner. On December 5, 2025, the American Conference Institute held their 7th National Forum on FARA (the “Forum”) in Washington, D.C., discussing FARA updates, practitioner strategies, and expert insights into the uncertain FARA landscape.¹⁸⁸

One of the panels, titled “What In-House and Outside Counsel Need to Know About FARA,” discussed the emerging risk of FARA compliance in areas not traditionally known to align with foreign interests, which is of particular interest in light of the Trump Memo’s call for investigation of non-governmental organizations with ties to foreign governments.¹⁸⁹ The spotlight of FARA enforcement is veering into uncharted territories, and it is important for potential registrants to remember a foreign government or political parties’ interests can be promoted in unexpected ways.

Another panel of note delved into “Tough Calls in FARA Compliance,” discussing when compliance may be warranted for a number of more “traditionally FARA” ventures, including state owned enterprises.¹⁹⁰ In 2023, the Congressional Research Service published a FARA legal overview that explained who may be considered a foreign agent and who is exempt under the Act.¹⁹¹ Under the explanation of the Commercial Exemption, the overview clarified that “commercial activities of state-owned companies are considered ‘private’ so long as they do not directly promote the public or political interests of the foreign government.”¹⁹² As noted in the NPRM section above, the DOJ proposed doing away with the word “directly” in order to expand the reach of FARA. However, with the proposed changes in limbo, there is currently a lack of clarity as to when state-owned enterprises need to apply. It is important for state-owned enterprises to seek counsel to advise when taking action would be most appropriate in their individual cases.

PRESIDENTIAL PARDONS FOR FARA CHARGES

FARA enforcement often comes with political sensitivity, demonstrated in part through the frequent Presidential pardons of individuals with FARA charges or convictions. This is consistent with the Trump Administration’s general shift away from criminally enforcing FARA.

However unusual they may seem, Presidential pardons for FARA charges are not unprecedented. During his time in office, President Biden pardoned two individuals for conduct potentially violating FARA.¹⁹³ In his first term, beginning in 2016, President Trump pardoned several of his associates for FARA charges or convictions.¹⁹⁴

FARA AND ENERGY AND ENVIRONMENTAL POLICY

In November 2025, nine Congressional representatives sent former Attorney General Bondi a letter expressing concern about China’s purported influence over energy and environmental policy in the U.S.¹⁹⁵ The letter claimed China exerts influence over U.S.-based nonprofits through financial support to shape U.S. policy in its favor.¹⁹⁶ Later, in December 2025, 26 Republican state attorneys general asked the DOJ to investigate two particular climate-focused nonprofit groups—Energy Foundation China and the Center for Climate Integrity—for possible FARA violations.¹⁹⁷ This indicates a rising concern about China or other foreign influence on energy policy in the U.S. through nonprofit organizations.



ABOUT SAUL EWING'S FARA EXPERIENCE

Saul Ewing LLP's White Collar & Government Enforcement Practice has represented non-profit entities in FARA investigations, including through our engagement with the FARA Unit of DOJ. We have developed FARA compliance policies and trainings, and our bench of experienced litigators and former government officials, including former Assistant U.S. Attorneys, and NSD and CIA personnel, are available to assist clients with FARA compliance and guidance.

Feel free to contact Saul Ewing for any FARA needs, including FARA compliance training and policy implementation, conducting internal investigations to determine whether registration requirements or exemptions apply, whether engagement with the government is necessary or advisable, whether a FARA Unit advisory opinion can be obtained to clarify an unsettled area of the law, or in responding to letters of inquiry or potential enforcement action.

ENDNOTES

¹ Withdrawal of Rulemaking Actions, 90 Fed. Reg. 43948 (proposed September 11, 2025).

² FARA is codified at 22 U.S.C. §§ 611–621.

³ See OFFICE OF THE INSPECTOR GENERAL, U.S. DEP'T OF JUSTICE, *Audit of the National Security Division's Enforcement and Administration of the Foreign Agents Registration Act*, AUDIT DIVISION 16–24 (Sept. 7, 2016), <https://www.oversight.gov/sites/default/files/documents/reports/2017-07/a1624.pdf> (“OIG Audit”).

⁴ For example, the FARA Unit's authority extends to administrative books and records inspections. See U.S. DEP'T OF JUSTICE, *Frequently Asked Questions*, <https://www.justice.gov/nsd-fara/frequently-asked-questions> (April 10, 2023) (under “What is the FARA Registration Unit (‘FARA Unit’)?”).

⁵ See 22 U.S.C. § 612.

⁶ See 28 C.F.R. § 5.2.

⁷ See 22 U.S.C. § 620. The FARA regulations are codified at 28 C.F.R. §§ 5.1–5.1101.

⁸ See Clarification and Modernization of Foreign Agents Registration Act (FARA) Implementing Regulations, 86 Fed. Reg. 236 (proposed Dec. 13, 2021) (to be codified at 28 C.F.R. pt. 5); see also Justin C. Danilewitz & Chris Klein, *DOJ Releases Much-Anticipated Proposed Amendments to Foreign Agents Registration Act (FARA) Regulations*, SAUL EWING LLP (Dec. 30, 2024), <https://www.saul.com/insights/alert/doj-releases-much-anticipated-proposed-amendments-foreign-agents-registration-act>.

⁹ See Amending and Clarifying Foreign Agents Registration Act Regulations, 90 Fed. Reg. 40 (Jan. 2, 2025) (to be codified at 28 C.F.R. pt. 5).

¹⁰ *Supra* note 1.

¹¹ A summary of these and other relevant statutes are available on the FARA Unit website. See U.S. DEP'T OF JUSTICE, *FARA Related Statutes*, (November 6, 2019) <https://www.justice.gov/nsd-fara/fara-related-statutes>.

¹² See Memorandum of Pamela Bondi, U.S. Att’y Gen., to U.S. Dep’t of Justice Employees (Feb. 5, 2025), <https://www.justice.gov/ag/media/1388541/dl?inline>. For more on the Bondi Memo, see *infra* pages 4–5.

¹³ See U.S. DEP'T OF JUSTICE, *FARA Enforcement* (March 15, 2023), <https://www.justice.gov/nsd-fara/fara-enforcement>; see 22 U.S.C. § 618(a).

¹⁴ See, e.g., Jury Instructions at 44, *United States v. Rafiekian*, No. 1:18-cr-457-AJT-1 (E.D. Va. July 23, 2019), ECF No. 354–5 (“A person acts ‘willfully’ when he knowingly performed an act, deliberately and intentionally, as contrasted with accidentally, carelessly, or unintentionally and with knowledge that his conduct was unlawful.”).

¹⁵ *Id.*

¹⁶ See 22 U.S.C. § 618(a)(2); 18 U.S.C. § 3571(b).

¹⁷ See 22 U.S.C. § 618(a)(2), (h).

¹⁸ See 22 U.S.C. §§ 612(a)–(b), 618(e).

¹⁹ See 22 U.S.C. § 618(e).

²⁰ See 18 U.S.C. § 3282; see also *United States v. McGoff*, 831 F.2d 1071, 1075 (D.C. Cir. 1987) (explaining that prosecutions under FARA are governed by the general, five-year statute of limitations for non-capital offenses); *Att’y Gen. v. Wynn*, 104 F.4th 348, 352 (D.C. Cir. 2024) (explaining that the obligation to register as an agent ceases when the agent’s activity on behalf of a foreign principal ceases).

²¹ See 22 U.S.C. § 618(f).

²² See 22 U.S.C. § 618(g); see also Default Judgment, *Att’y Gen. v. Federación de Alcades Pedaneo*, No. 5:23-cv-1575-JMG (E.D. Pa. Oct. 6, 2023), ECF No. 9 (ordering permanent injunction against defendant who failed to register as an agent under FARA).

²³ *Att’y Gen. v. Wynn*, 104 F.4th 348, 352 (D.C. Cir. 2024).

²⁴ *Id.* (citing *McGoff*, 831 F.2d at 1073).

²⁵ *Att’y Gen. v. Wynn*, No. 22-5328, 2024 WL 4993610 (D.C. Cir. Dec. 5, 2024).

²⁶ See U.S. Dep’t of Justice, Federal Bureau of Investigation, *Foreign Government Efforts to Influence Policy & the Public* (Sept. 1, 2020), <https://www.justice.gov/d9/pages/attachments/2020/09/01/protecting-us-covert-foreign-influence.pdf>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See *OIG Audit*, *supra* note 3 at 21–22.

³⁰ *Id.* at 8–12.

³¹ *Id.* at 6.

³² *Id.* at 9–10.

³³ *Id.*

³⁴ *Id.* at 21–22

³⁵ Bondi Memo, *supra* note 12.

³⁶ Countering Domestic Terrorism and Organized Political Violence, 90 Fed. Reg. 47225 (Sept. 25, 2025).

³⁷ See *infra* page 6, 2025 FARA Cases.

³⁸ Bondi Memo, *supra* note 12 at 4.

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ 18 U.S.C. § 219; see also *supra* page 2.

⁴² See Indictment at 1, *United States v. Sun*, No. 1:24-cr-346-BMC (E.D.N.Y. Sept. 3, 2024), ECF No. 4; see also Press Release, U.S. Dep’t of Justice, Former High-Ranking New York State Government Employee and her Husband Charged with Accepting Kickbacks in PPE Fraud Scheme (June 26, 2025), <https://www.justice.gov/usao-edny/pr/former-high-ranking-new-york-state-government-employee-and-her-husband-charged>.

⁴³ See Erik Uebelacker, *Cuomo-Hochul staffer brushes off bribery charges as Chinese culture in trial opener*, COURTHOUSE NEWS SERVICE (Nov. 12, 2025), <https://courthousenews.com/cuomo-hochul-staffer-brushes-off-bribery-charges-as-chinese-culture-in-trial-opener/>.

⁴⁴ See Erik Uebelacker, *Indicted ex-Cuomo staffer had leading role in securing Covid-19 supplies: Witness*, COURTHOUSE NEWS SERVICE (Nov. 19, 2025), <https://www.courthousenews.com/indicted-ex-cuomo-staffer-had-leading-role-in-securing-covid-19-supplies-witness/>.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ See Erik Uebelacker, *Texts show indicted ex-New York staffer bragged about influence over Kathy Hochul*, COURTHOUSE NEWS SERVICE (Dec. 3, 2025), <https://courthousenews.com/texts-show-indicted-ex-new-york-staffer-bragged-about-influence-over-kathy-hochul/>; see also Erik Uebelacker, *Feds say Cuomo-Hochul aide and accused Chinese agent 'betrayed' New York*, COURTHOUSE NEWS SERVICE (Dec. 9, 2025), <https://courthousenews.com/feds-say-cuomo-hochul-aide-and-accused-chinese-agent-betrayed-new-york/>.

⁴⁸ See Erik Uebelacker, *Feds say Cuomo-Hochul aide and accused Chinese agent 'betrayed' New York*, COURTHOUSE NEWS SERVICE (Dec. 9, 2025), <https://courthousenews.com/feds-say-cuomo-hochul-aide-and-accused-chinese-agent-betrayed-new-york/>.

⁴⁹ *Id.*

⁵⁰ See Erik Uebelacker, *Cuomo-Hochul staffer brushes off bribery charges as Chinese culture in trial opener*, COURTHOUSE NEWS SERVICE (Nov. 12, 2025), <https://courthousenews.com/cuomo-hochul-staffer-brushes-off-bribery-charges-as-chinese-culture-in-trial-opener/>; see also Erik Uebelacker, *Texts show indicted ex-New York staffer bragged about influence over Kathy Hochul*, COURTHOUSE NEWS SERVICE (Dec. 3, 2025), <https://courthousenews.com/texts-show-indicted-ex-new-york-staffer-bragged-about-influence-over-kathy-hochul/>.

⁵¹ *Id.*

⁵² See Michael O'Keefe, *Jury deliberations begin in Sun case: Former aide to govts accused of being China agent*, NEWSDAY (Dec. 13, 2025), <https://www.newsday.com/long-island/crime/linda-sun-deliberations-jury-corruption-ex-gubernatorial-aide-long-island-mhn2ev6g>.

⁵³ Minute Entry of Dec. 22, 2025, *United States v. Sun*, No. 1:24-cr-346-BMC (E.D.N.Y. Sept. 3, 2024), (“Deliberations completed. The Jury was unable return a unanimous verdict on any count as to either defendant. The Court granted the defendants’ unopposed motion for a mistrial.”).

⁵⁴ Jesse Zanger and Alice Gainer, *N.Y. governors’ former aide accused of being Chinese agent could face 2nd trial after jury deadlocked*, CBS NEWS (Dec. 22, 2025), <https://www.cbsnews.com/newyork/news/linda-sun-trial-jury-deliberations/>.

⁵⁵ 18 U.S.C. § 219 (“Whoever, being a public official, is or acts as an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938 . . . shall be fined under this title or imprisoned for not more than two years, or both.”); see also *supra* page 2.

⁵⁶ See *United States v. Cuellar*, No. 4:24-cr-224 (S.D. Tex. Apr. 30, 2024), ECF No. 1 at 44, 49–50 (indictment charging the defendant with violating 18 U.S.C. § 219).

⁵⁷ *Id.* at ECF No. 138 (opinion granting Government’s motion to dismiss FARA charges).

⁵⁸ *Id.* at 3.

⁵⁹ *Id.* at 7.

⁶⁰ *Id.* at 8.

⁶¹ *Id.* at ECF No. 139 (Fourth Amended Scheduling Order).

⁶² *United States v. Cuellar*, No. 4:24-cr-224 (S.D. Tex. Aug. 20, 2025), ECF No. 169 (Order dismissing indictment).

⁶³ See Alejandra Jaramillo, *Trump pardons Texas Democratic Rep. Henry Cuellar*, CNN (Dec. 3, 2025), <https://www.cnn.com/2025/12/03/politics/henry-cuellar-trump-pardon>.

⁶⁴ *Id.*

⁶⁵ 18 U.S.C. § 951; see Press Release, U.S. Dep’t of Justice, *Private Investigator Sentenced to 18 Months In Prison for Acting as an illegal Agent of the People’s Republic of China* (April 16, 2025), <https://www.justice.gov/>

[usao-edny/pr/private-investigator-sentenced-18-months-prison-acting-illegal-agent-peoples-republic](https://www.usdoj.gov/opa/pr/2025/04/14-private-investigator-sentenced-18-months-prison-acting-illegal-agent-peoples-republic).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Executive Grant of Clemency, Donald J. Trump, President of the United States of America (Nov. 7, 2025), <https://www.justice.gov/pardon/media/1417071/dl?inline>.

⁷¹ See Alejandra Jaramillo, *Trump approves pardon for former NYPD officer convicted in Chinese government scheme*, CNN (Nov. 7, 2025), <https://www.cnn.com/2025/11/07/politics/michael-mcmahon-trump-pardon>.

⁷² *Id.*

⁷³ ANPRM, *supra* note 8.

⁷⁴ NPRM, *supra* note 9.

⁷⁵ 22 U.S.C. § 613(d).

⁷⁶ *Id.*

⁷⁷ NPRM, *supra* note 9 at 46, 51.

⁷⁸ 22 U.S.C. § 613(d)(2).

⁷⁹ NPRM, *supra* note 9 at 44–45.

⁸⁰ *Id.* at 45.

⁸¹ See *supra* note 1.

⁸² The withdrawal of rulemaking actions followed President Trump’s earlier executive order, “Unleashing Prosperity Through Deregulation,” Exec. Order No. 14,192, 90 Fed. Reg. 24, 9065 (Feb. 6, 2025).

⁸³ See *supra* note 39.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ See U.S. Dep’t of Justice, FARA Unit, Opinion Letter at 4–5 (May 1, 2025), <https://www.fara.us/assets/htmldocuments/2025.05.01%20Advisory%20Opinion%20Commercial%203d1%20read.pdf> (*unpublished*); U.S. Dep’t of Justice, FARA Unit, Opinion Letter at 4 (June 6, 2025), <https://www.fara.us/assets/htmldocuments/2025.06.06%20Advisory%20Opinion%20Commerical%203d1%20read.pdf> (*unpublished*). We thank Caplin & Drysdale for their effort in archiving the now removed 2025 advisory opinions, and for making them publicly available at the links cited in this Report.

⁸⁷ See 22 U.S.C. § 613(d)(2).

⁸⁸ 28 C.F.R. § 5.304(c) (regulation stating that even if an entity is engaged in political activities on behalf of a foreign corporation, if those activities are directly in furtherance of a bona fide commercial, industrial, or financial operation interest, and not directed by a foreign government or political party, the Other Activities Exemption may still apply); U.S. Dep’t of Justice, FARA Unit, Opinion Letter at 2 (March 14, 2024), <https://www.justice.gov/nsd-fara/media/1355126/dl?inline> (*unpublished*).

⁸⁹ See 28 C.F.R. § 5.304(c); U.S. Dep’t of Justice, FARA Unit, Opinion Letter at 6 n.32 (Oct. 16, 2024), <https://www.fara.us/assets/htmldocuments/2024.10.16%20Advisory%20Opinion%20Agency%20processed.pdf> (considering “activities not serving predominantly a foreign interest,” without focusing upon exclusively upon “governmental” or “political” interest) (*unpublished*).

⁹⁰ U.S. Dep’t of Justice, FARA Unit, Opinion Letter at 6–7 (Apr. 14, 2025), <https://www.fara.us/assets/htmldocuments/2025.04.14%20Advisory%20Opinion%20Commercial%203d2%20read.pdf> (*unpublished*).

⁹¹ U.S. Dep't of Justice, FARA Unit, Opinion Letter at 8 (June 9, 2025), <https://www.fara.us/assets/htmldocuments/2025.06.09%20Advisory%20Opinion%20Commercial%203d2%20processed.pdf> (unpublished).

⁹² Foreign Registration Obligations for Nonprofit Transparency Act, S. 2305, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/2305/text>.

⁹³ Disclosing Foreign Influence in Lobbying Act, S. 856, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/856/text>.

⁹⁴ Lobbying Disclosure Improvement Act, S. 865, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/865/text>.

⁹⁵ Preventing Adversary Influence, Disinformation, and Obscured Foreign Financing Act of 2025, S. 3050, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/3050/text>.

⁹⁶ National Defense Authorization Act for Fiscal Year 2026, S. 2296, 119th Cong. (2025) (as amended by S. Amend. 3454, Aug. 1, 2025), <https://www.congress.gov/amendment/119th-congress/senate-amendment/3454/text>.

⁹⁷ Foreign Agents Transparency Act, S. 981, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/981/text>.

⁹⁸ S. 2305.

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ See 22 U.S.C. § 613(h) (“The requirements of . . . of this title shall not apply to the following agents of foreign principals: . . . Any agent of a person described in section 611(b)(2) of this title . . . if the agent has engaged in lobbying activities and has registered under the [LDA] in connection with the agent’s representation of such person or entity.”); see also *supra* page 2.

¹⁰² S. 2305.

¹⁰³ *Id.*; see 26 U.S.C. § 501(c)(4) (listing civic “leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes”); see also 26 U.S.C. § 501(c)(5) (identifying “[l]abor, agricultural, or horticultural organizations”); see also 22 U.S.C. § 501(c)(6) (including business “leagues, chambers of commerce, real-estate boards, boards of trade, or professional football leagues (whether or not administering a pension fund for football players), not organized for profit and no part of the net earnings of which inures to the benefit of any private shareholder or individual”).

¹⁰⁴ S. 2305.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ S. 856.

¹¹¹ *Id.*

¹¹² Disclosing Foreign Influence in Lobbying Act, H.R. 1883, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/house-bill/1883/text>.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ S. 865.

¹²⁰ Lobbying Disclosure Improvement Act, H.R. 1887, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/house-bill/1887/text>.

¹²¹ *Id.*; S. 865.

¹²² H.R. 1887.

¹²³ S. 865.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*; 2 U.S.C. § 1603(b) (listing items lobbyists must include in their registration).

¹²⁷ S. 865; see 22 U.S.C. § 613(h) (exempting registrants that engage in lobbying activities from FARA if those registrants have registered with the LDA).

¹²⁸ S. 2296 (authorizing appropriations for fiscal year 2026 for the Department of Defense's military activities, for military construction, and the Department of Energy's defense activities).

¹²⁹ S. 3050, PAID OFF Act of 2025, H.R. 6107, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/house-bill/6107/cosponsors>.

¹³⁰ S. 3050.

¹³¹ *Id.*

¹³² H.R. 6107.

¹³³ *Id.*

¹³⁴ S. 2296.

¹³⁵ *Id.*; National Defense Authorization Act for Fiscal Year 2026, S. 1071, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/senate-bill/1071/text>.

¹³⁶ S. 3050.

¹³⁷ 22 U.S.C. § 613(d).

¹³⁸ 22 U.S.C. § 613(h).

¹³⁹ 22 U.S.C. § 2651a(m)(1)(A) (i)–(v) (limiting post-employment opportunities for some Senate-confirmed individuals in the following countries: China, Russia, Iran, North Korea, and Cuba).

¹⁴⁰ S. 3050.

¹⁴¹ Cornyn, *Colleagues' Bill to Prevent Foreign Adversaries from Influencing U.S. Policy Passes Senate*, SENATOR CORNYN (Oct. 15, 2025), <https://www.cornyn.senate.gov/news/cornyn-colleagues-bill-to-prevent-foreign-adversaries-from-influencing-u-s-policy-passes-senate/>.

¹⁴² *Id.*

¹⁴³ *Id.*

- ¹⁴⁴ S. 3050.
- ¹⁴⁵ S. 2296.
- ¹⁴⁶ *Id.*
- ¹⁴⁷ *Id.*; see 22 U.S.C. § 611.
- ¹⁴⁸ S. 2296 (as amended by S. Amend. 3454).
- ¹⁴⁹ *Grassley Welcomes Senate Passage of Fiscal Year 2026 Defense Authorization Bill*, SENATOR CHUCK GRASSLEY (Oct. 9, 2025), <https://www.grassley.senate.gov/news/news-releases/grassley-welcomes-senate-passage-of-fiscal-year-2026-defense-authorization-bill>.
- ¹⁵⁰ S. 2296 (as amended by S. Amend. 3454); see 22 U.S.C. § 614.
- ¹⁵¹ S. 2296 (as amended by S. Amend. 3454).
- ¹⁵² S. 2296; S. 1071.
- ¹⁵³ S. 981.
- ¹⁵⁴ *Grassley, Peters Introduce Foreign Agents Transparency Act*, U.S. S. COMM. ON THE JUDICIARY (Mar. 13, 2025), <https://www.judiciary.senate.gov/press/rep/releases/grassley-peters-introduce-foreign-agents-transparency-act>.
- ¹⁵⁵ S. 981.
- ¹⁵⁶ Foreign Agents Transparency Act, H.R. 3229, 119th Cong. (2025), <https://www.congress.gov/bill/119th-congress/house-bill/3229/text>.
- ¹⁵⁷ *Id.*
- ¹⁵⁸ *Wynn*, 636 F. Supp. 3d 96; see *supra* page 3.
- ¹⁵⁹ *Grassley, Peters Introduce Foreign Agents Transparency Act*, *supra* note 155.
- ¹⁶⁰ *Id.*
- ¹⁶¹ See Retroactive Foreign Agents Registration Act, S. 2229, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/senate-bill/2229>.
- ¹⁶² S.B. 700, 2025 Leg., Reg. Sess. (Fla. 2025); Fla. Stat. §§ 496.401 et seq.
- ¹⁶³ See Fla. Stat. § 496.404(13); see also Fla. Stat. § 286.101 (2025).
- ¹⁶⁴ S.B. 766, 2025 Leg., Reg. Sess. (Fla. 2025) (died in Senate Rules Committee).
- ¹⁶⁵ H.B. 1800, 95th Gen. Assemb., Reg. Sess. (Ark. 2025); Act 998, 95th Gen. Assemb., Reg. Sess. (Ark. 2025).
- ¹⁶⁶ See Act 998.
- ¹⁶⁷ *Id.*
- ¹⁶⁸ See *id.*
- ¹⁶⁹ See *id.*
- ¹⁷⁰ H.B. 119, 89th Leg., Reg. Sess. (Tex. 2025); TEX. GOV'T CODE §§ 305.003, 305.030.
- ¹⁷¹ TEX. GOV'T CODE § 305.030.
- ¹⁷² See *id.*; see also 15 C.F.R. § 791.4(a)(1)–(6).
- ¹⁷³ See TEX. GOV'T CODE § 305.030(c), (d).
- ¹⁷⁴ L.B. 644, 104th Leg., 1st Sess. (Neb. 2025); NEB. REV. STAT. §§ 4-201 to 4-213 (2025).
- ¹⁷⁵ NEB. REV. STAT. § 4-203.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.* § 4-210(b).

¹⁷⁸ S.B. 660, 60th Leg., 1st Sess. (Okla. 2025).

¹⁷⁹ *Id.*

¹⁸⁰ *See id.*

¹⁸¹ H.B. 686, 2025 Reg. Sess. (La. 2025).

¹⁸² *Id.*

¹⁸³ *See FARA eFile*, U.S. DEP'T OF JUSTICE, <https://efile.fara.gov/ords/fara/f?p=1381:1:14988398850264>.

¹⁸⁴ *United States v. Cuellar*, No. 4:24-cr-224 (S.D. Tex. Aug. 19, 2025), ECF No. 138 (opinion granting Government's motion to dismiss FARA charges).

¹⁸⁵ *See Bondi Memo*, *supra* note 12 at 4.

¹⁸⁶ *Wynn*, 636 F. Supp. 3d 96 (D.D.C. 2022); *see supra* page 3.

¹⁸⁷ *See supra* page 14.

¹⁸⁸ *7th National Forum on FARA – Foreign Agents Registration Act*, AM. CONF. INST., <https://www.americanconference.com/fara/agenda/>.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ WHITNEY K. NOVAK, CONG. RES. CTR., FOREIGN AGENTS REGISTRATION ACT (FARA): A LEGAL OVERVIEW (2023), <https://www.congress.gov/crs-product/IF11439>.

¹⁹² *Id.*

¹⁹³ *See Executive Grant of Clemency, Joseph R. Biden, Jr., President of the United States of America* (Sept. 14, 2024), https://www.justice.gov/d9/2023-09/afrasiabi_warrant.pdf; *See Peter Flaherty, By Pardoning Hunter, Joe Biden Pardons Himself*, NAT'L LEGAL & POL'Y CTR (Dec. 1, 2024), <https://nlpc.org/government-integrity-project/by-pardoning-hunter-joe-biden-pardons-himself/>.

¹⁹⁴ *See Kenneth P. Vogel, Elliott Broidy Pleads Guilty in Foreign Lobbying Case*, N.Y. TIMES, (Oct. 20, 2020), <https://www.nytimes.com/2020/10/20/us/politics/elliott-broidy-foreign-lobbying.html>; *See Casey Michel, FOREIGN AGENTS 360* (2024).

¹⁹⁵ Letter from Members of Congress Lance Gooden, Christopher H. Smith and Keith Self to Att'y Gen. Pam Bondi (Nov. 20, 2025), https://gooden.house.gov/_cache/files/1/3/13ba9bfb-5dd9-40a5-81df-c391e3055fb1/A41C86E6431A06DD7EC6DB3807ABE7E76A74302D05C1CEB7BFACA0756E9F7CC1.11.20.25---letter-to-ag-bondi-re-china-s-influence-on-climate-ngos-u.s.-energy-policy.pdf

¹⁹⁶ *Id.*

¹⁹⁷ Gabe Kaminsky, *Exclusive: Republicans Accuse Climate Groups of Doing China's 'Dirty Work' in the U.S.*, THE FREE PRESS (Dec. 16, 2025), <https://www.thefp.com/p/exclusive-republicans-accuse-climate>.