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A Sea Change in FARA Enforcement



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In what may mark a sea change in enforcement of the Foreign Agent Registration Act, for the first time in more than 30 years, the Department of Justice has filed a [complaint](#) seeking to compel an individual – the former Finance Chair of the Republican National Committee, Stephen A. Wynn – to register as a foreign agent.

Generally speaking, FARA is a disclosure regime that requires individuals to register with the Attorney General if, on behalf of foreign clients, they lobby U.S. government officials or seek to influence the American public.

The DOJ alleges that in 2017, the then-Deputy Finance Chair of the RNC, Elliott Broidy, acting as an agent for both the former Vice Minister of Public Security for the People's Republic of China, Sun Lijun, as well as for the PRC itself, enlisted Mr. Wynn to assist in lobbying President Trump and his administration to remove a Chinese billionaire businessman, Guo Wengui, from the United States. After leaving China in 2014, Mr. Guo was [charged](#) by the PRC government with various forms of corrupt dealings, as well as kidnapping and rape. Mr. Guo sought [asylum](#) in the United States in 2017 and has been living in Manhattan. In 2020, Mr. Broidy [pleaded guilty](#) to one count of conspiracy to violate FARA for his role in the PRC's influence campaign.

DOJ's complaint likely did not come as a surprise to Mr. Wynn. The Justice Department brought this action only after advising Mr. Wynn on three separate occasions that he was required to register as a foreign agent. According to the complaint, in a letter dated April 13, 2022, DOJ informed him that he had 30 days to register.

The action continues DOJ's recent, aggressive [enforcement](#) of FARA, including the [indictment](#) last year of a top advisor to the Trump campaign, Thomas Barrack, for alleged efforts on behalf of the United Arab Emirates to influence the campaign and subsequently the Trump administration, to take pro-UAE foreign policy positions. DOJ's efforts have not been without setbacks, notably the 2019 acquittal

of Greg Craig, former White House Counsel for President Obama, who was charged with failing to register as a foreign agent for work he and his law firm performed on behalf of Ukraine. Despite that loss, the complaint shows that DOJ will not shy away from using the machinery of the courts, short of criminal prosecution, to force individuals to comply with FARA when it believes registration is required.
