

**9/11 FAMILIES & SURVIVORS UNITED FOR JUSTICE AGAINST TERRORISM**

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February 21, 2018

Speaker of the House Paul Ryan  
H-232, United States Capitol  
Washington, DC 20515

House Majority Leader Kevin McCarthy  
H-107, United States Capitol  
Washington, DC 20515

**Re: Support for H.R. 4170, the Disclosing Foreign Influence Act**

Dear Speaker Ryan and Leader McCarthy:

On our own behalves and on behalf of the 9/11 FAMILIES & SURVIVORS UNITED FOR JUSTICE AGAINST TERRORISM, an organization comprised of thousands of injured individuals and families of those killed in the 9/11 attacks, we write in strong support of H.R. 4170, the Disclosing Foreign Influence Act. We have watched in outrage and dismay as foreign actors and their agents in the United States have worked to undermine the rights of the September 11 community and we are very pleased that Rep. Mike Johnson and the Committee on the Judiciary have developed legislation that will increase transparency and empower the Department of Justice to respond to these abuses.

The Foreign Agent Registration Act ("FARA") is toothless as currently interpreted and enforced. The DOJ lacks the resources (personnel and money) and the investigatory tools (independent subpoena authority) that would enable it to enforce the law. That is why there have been almost no prosecutions under FARA in its 80-year history, and it is why so many foreign actors and their agents have simply refused to register, filed woefully incomplete updates, omitted informational materials, and deceived government officials and private citizens alike. They do not fear DOJ enforcement, and that leads to unacceptable levels of undisclosed, foreign influence on U.S. policymaking.

We understand the problems with FARA because of our experience investigating and exposing the questionable activity of the Kingdom of Saudi Arabia in 2016 and 2017. This activity arose in relation to Congress's enactment of the Justice Against Sponsors of Terrorism Act ("JASTA") on September 28, 2016, overriding President Barack Obama's veto.

The Saudis had fought very hard to prevent JASTA's passage, but it was after JASTA passed that the Kingdom dramatically expanded its use of foreign agents, hiring (directly or through sub-agent arrangements) more than 100 persons and entities to wage an assault on JASTA and urge its functional repeal. The Kingdom began paying at least \$1.3 million per month to effectuate this campaign against us.

As the family members and survivors of September 11, we watched with anger and frustration as the Saudi agents spread their propaganda. We began following the Saudi activities carefully, and we soon discovered that a great deal of the activity on behalf of the Saudi Arabian government was not in compliance with FARA's disclosure and reporting requirements.

Informational materials were being distributed without proper labeling, meetings were being held without any proper reporting, agents were working for the Saudis without registering, and, most egregiously, U.S. military veterans were being duped into unwittingly supporting the anti-JASTA campaign by foreign agents who disguised that they were working for the Saudis.

As we learned more about this propaganda campaign, it became apparent that we needed to report this activity, so, on March 29, 2017, we formally requested that the DOJ begin an investigation into potential widespread criminal violations of FARA by foreign agents retained to conduct what we view as an unprecedented foreign influence campaign. We outlined widespread apparent violations of FARA and provided dozens of pages of exhibits to support our concerns. We explained that the potential criminal violations by agents working on the Saudi government's behalf may include:

- (1) the complete failure by persons working on behalf of the Saudi government to register as foreign agents in violation of 22 U.S.C. § 612;
- (2) failures to include any label or disclosure on informational materials and political propaganda distributed on behalf of the Saudi government indicating that those materials were being distributed by a foreign agent on behalf of the Saudi government, in violation of 22 U.S.C. § 614(b);
- (3) failures to provide statements to the Department of Justice of all things of value spent, disbursed, or disposed of on behalf of the Saudi government, in violation of 22 U.S.C. § 612(a)(5) and (8);
- (4) failures to submit comprehensive and detailed statements of the activities and proposed activities undertaken on behalf of the Saudi government, in violation of 22 U.S.C. § 612(a)(4);
- (5) failures to file informational materials and political propaganda distributed on behalf of the Saudi government with the Department of Justice, in violation of 22 U.S.C. § 614(a);
- (6) failures to include a statement on materials prepared for submission to members of Congress and the U.S. government disclosing that those materials were prepared by a foreign agent of the Saudi government, in violation of 22 U.S.C. § 614(e);
- (7) failures to file documents as necessary to make registration statements and other materials submitted to the Department of Justice not misleading, in violation of 22 U.S.C. § 612(a)(11);
- (8) failures on the part of the officers and directors of entities acting as foreign agents for the Saudi government to fulfill their independent individual obligations to ensure that those entities complied with the requirements of FARA, in violation of 22 U.S.C. § 617;
- (9) aiding and abetting of violations of FARA by persons directing and supervising the Saudi influence campaign, in violation of 18 U.S.C. § 2 ("Principals"); and
- (10) conspiring to commit violations of FARA and related offences against the United States, in violation of 18 U.S.C. § 371 ("Conspiracy to commit offence or to defraud United States").

We believe that these activities pose a clear national security risk to the United States, as they appear to arise from an insidious and unheard-of campaign by a foreign government to directly interfere with U.S. legislative processes, by deceiving U.S. veterans, members of Congress, as well as

the general population, in an effort to secure the enactment of specific legislation that would weaken U.S. counter-terrorism laws for the singular benefit of that foreign government.

The DOJ has acknowledged receipt of our complaint and its voluminous exhibits, but we are aware of no further investigation or sanctions against the Kingdom or the registered and unregistered foreign agents who took part in this campaign. We strongly suspect that the DOJ does not have the ability to pursue these reports, despite the heavy documentation and proof provided, because of lack of resources and investigatory tools. Fortunately, due to press coverage of this anti-JASTA campaign, it *appears* that the Kingdom is no longer pursuing these anti-JASTA efforts, but we cannot know for sure. The FARA filings could be incomplete or deceptive, and additional foreign agents could be operating without registering at all. As long as FARA's enforcement is so weak, we have no reason to expect foreign nations to remain in compliance.

FARA is based on the value of transparency, but it is clear that foreign nations and their hired agents working to strip away the rights of American terrorism victims are not going to comply with the law unless Congress gives DOJ the tools it needs for true enforcement. We are fortunate to have been able to shine a public light on the nefarious campaign against us in this one important instance, *but it should not be our job as private citizens to investigate this wrongdoing*. The DOJ needs tools and resources so it can do that work in the public interest.

The Disclosing Foreign Influence Act, H.R. 4170, is a good first step towards fixing the problems outlined above, and we give it our full support.

Most Respectfully,

## **9/11 FAMILIES & SURVIVORS UNITED FOR JUSTICE AGAINST TERRORISM**

### **NATIONAL CHAIR**

Terry Strada, *Widow of Tom Strada, North Tower*

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Joan Molinaro – *Mother of fallen hero Carl Molinaro, FDNY, Ladder Company 2*

**9/11 Families & Survivors United for Justice Against Terrorism** is comprised of over 9,000 victim's family members and survivors seeking justice, accountability, and the truth regarding all perpetrators of the September 11, 2001 attacks.

cc: House Minority Leader Nancy Pelosi  
House Judiciary Committee Chairman Bob Goodlatte  
House Judiciary Committee Ranking Member Jerry Nadler  
Congressman Mike Johnson (Lead Sponsor of H.R. 4170)