Tax-Exempt Organizations and
White Collar Defense and Investigations Alert
September 18, 2026

DOJ Issues Press Release on Liability for Unregistered Foreign Agents

On September 16, 2026, the Department of Justice ("DOJ") issued a press release "remind[ing] the public of federal laws that require individuals to register as foreign agents when they act in the United States at the direction or control of a foreign government or foreign principal, and that they will face civil and criminal liability if they fail to do so." The press release points specifically to two federal laws that require such registration: the Foreign Agents Registration Act ("FARA"), 22 U.S.C. § 611 *et seq.*, and 18 U.S.C. § 951. The press release is a departure from former Attorney General Pam Bondi's February 5, 2025 memorandum to DOJ employees, which directed that criminal charges under FARA should be limited to instances of alleged conduct similar to traditional espionage by foreign government actors, and that the DOJ FARA Unit would focus on civil enforcement, regulatory initiatives, and public guidance. However, it was clear even before the September 16 press release that DOJ had not completely de-prioritized FARA: in September 2025, President Trump issued National Security Presidential Memorandum 7 ("NSPM-7"), which directed DOJ to investigate non-US entities with close ties to foreign actors for violations of FARA as part of an effort to counter "domestic terrorism and organized political violence."

As a reminder, FARA is a federal statute that requires registration with the DOJ FARA Unit if a person or entity acts within the United States on behalf of a non-US principal (which may be a non-US government, political party, corporation, foundation, charity, or person) and engages in one of four types of activities: (1) political advocacy intended to influence the federal government or a segment of the US public relating to US domestic or foreign policy; (2) acting as a public relations counsel, publicity agent, or political consultant for the non-US principal; (3) soliciting, collecting, or disbursing money in the interests of the non-US principal; or (4) representing the non-US principal's interests before the US federal government. The statute also includes many exemptions that may result in a US person or entity not having to register as an agent under FARA even if they engage in FARA-covered activity on behalf of a non-US principal, including: (1) a commercial exemption; (2) a lobbying exemption; (3) a lawyer's exemption; (4) an academic, religious, fine arts, or scientific pursuits exemption; (5) a diplomatic exemption; and (6) an exemption for activities "not serving predominately a foreign interest." *See* "Prosecutions Under the Foreign Agents Registration Act: The Past, Present and Future," *New York Law Journal* (December 9, 2019).

Engaging in FARA activities on behalf of a foreign principal is not illegal; it only requires the agent to register with DOJ. Registration under FARA requires regular submissions to DOJ that identify both the foreign principal and the agent, as well as the individuals working on the matter that required registration. FARA registrants must prominently disclose their foreign principal on certain "informational materials" when they are published or disseminated by the registrant. FARA also requires the retention of records and subjects the FARA registrant to possible audits by the government.

FARA is a complicated regulatory statute and there is little case law interpreting the statute. The statute applies both to for-profit and nonprofit organizations. The foreign principal does not need to be a foreign government, but can be any foreign business, nonprofit or individual. A reminder that Section 951, to which the press release also refers, applies to those engaged in certain espionage-like activities undertaken on behalf of foreign governments, making it narrower than FARA in terms of breadth.

If you are a non-US entity engaging with US entities, or you are a US entity that works with non-US entities, including by receiving foreign grant funding in the case of nonprofit organizations, you may wish to consider whether you are exposed to FARA risk. FARA's civil penalties include injunctions to prevent an entity from acting without registration. Willful violations of FARA can also result in criminal penalties of up to five years' imprisonment and a $10,000 fine.

Please contact the firm if you have specific questions about how this law may apply to your business.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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