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COMMITTEE ON ARMED SERVICES
COMMITTEE ON VETERANS' AFFAIRS

Congress of the United States
House of Representatives
Washington, DC 20515–2201

June 4, 2021

The Honorable Merrick Garland, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland,

I wanted to bring to your attention a matter of great urgency regarding a possible violation of the Foreign Agents Registration Act (FARA) with regard to contributions and advocacy conducted by the Stimson Center, a 501(c)3 that deals with issues related to international security. The general rule for a 501(c)3 charitable organization exempt from federal taxation is that they may not engage in lobbying activities which constitute a "substantial part" of their activities.

As you can see from the attached correspondence, the Stimson Center has seen fit to lobby to significantly alter the Homeland and Cyber Threat Act (H.R. 1607, introduced into the 117th Congress on March 8, 2021), bipartisan legislation that I helped to introduce which now has over 30 cosponsors. The HACT Act—which would allow U.S. persons harmed by foreign-government sponsored cyberattacks to seek justice through U.S. courts, preventing foreign powers from escaping liability by hiding behind the Foreign Sovereign Immunities Act (FSIA)—passed in the last Congress with broad bipartisan support. In my view and the view of other sponsors, the clear intent of this lobbying effort is to kill the legislation. The changes advocated by the Stimson Center would gut the bill's central purpose by rendering it completely ineffective in holding foreign nations and their agents responsible for cyberattacks on and in the United States.

This bill is critical in order to combat the ever-increasing threat posed to our political process and national security. Senate Judiciary Committee Chairman Dick Durbin has called foreign hacking the greatest threat to American democracy, and he declared that the Russian-sponsored hacks of U.S. government agencies and private companies to be "virtually a declaration of war." The HACT Act was designed to have the same effect as the widely bipartisan Justice Against Sponsors of Terrorism Act (JASTA), which passed both the House and Senate by voice vote in 2016. Just like JASTA put sponsors of terrorism on notice that FSIA would no longer shield them from being held accountable for harms caused to Americans, the HACT Act would give ordinary Americans harmed by foreign-sponsored cyberwarfare the much-needed ability to go after those who harmed them. Crucially, the HACT Act follows in the mold of JASTA by creating a potent new deterrent for foreign governments contemplating whether or not to sponsor cyberwarfare that would harm Americans.

That is why it is so troubling that the Stimson Center is lobbying for changes to the HACT Act that would protect malign foreign actors at the expense of Americans seeking justice. Looking at

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the major donors to the Stimson Center, one discovers a very interesting fact: namely that one of their main sources of the Center's funding is the State of Qatar, a major sponsor of terrorism worldwide and one of the most notorious sponsors of cyberattacks against U.S. entities. In 2019 alone (the last year public figures are available) the Stimson Center received at least $600,000 in contributions from the government of Qatar. Supporting documentation is attached. It is well known that the State of Qatar has been using their outsized influence to kill the HACT Act, which would hold them accountable for sponsoring cyberattacks directed at American targets.

The Stimson Center appears to have an unusually close working relationship with the State of Qatar in recent years. Among other things, Stimson has actively partnered with the Doha Forum, a conference series conducted by the State of Qatar to target international policy and media elites in order to maximize their influence in the U.S. and the West. As part of this ongoing collaboration, the State of Qatar appears to be the sole funder of the Stimson Center's program called "Just Security 2020," whose stated mission includes working on issues related to cyberattacks. What should be deeply concerning to DOJ and the FARA unit is that Stimson's own literature admits that its Qatar-funded program that deals with cybersecurity is "built around three interconnected tracks of activity," with the first being "Policy dialogues and public/policymaker engagement." Evidently related to Just Security 2020, there were multiple meetings and communications between registered Qatari agents Katherine Lewis and/or Kaylee Otterbacher on behalf the Embassy of Qatar and Richard Ponzio, who is part of the Stimson Center's Cyber Security Project Team with Debra Decker (documentation attached). These interactions occurred in the months before a conference hosted by the Stimson Center that discussed cyberattacks, and which prominently featured as a speaker a Qatari government official from its Ministry of Foreign Affairs.

I urge the Department of Justice to investigate this activity as a potential violation of FARA law. FARA explicitly requires the registration of, and disclosures by, an "agent of a foreign principal" who, either directly or through another person, within the United States engages in "political activities" on behalf of a foreign principal, or represents the interests of the foreign principal before any agency or official of the U.S. government. As you know, despite the myth of a "think tank" exemption to FARA, the Department of Justice last year successfully compelled a different non-profit policy organization, the Qatar-America Institute, to register under FARA for representing the interests of the State of Qatar. On the face of it, the attached documentation would seem to constitute evidence that the Stimson Center acted in violation of the statute.

Thank you for your attention in this matter, and I look forward to hearing about how you intend to follow up.

Kind regards,

Jack Bergman
Member of Congress

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