

ALERT

DOJ Directs U.S. Affiliate of Qatari-Owned Al Jazeera to Register as Foreign Agent

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According to press reports, last week, the U.S. Department of Justice (DOJ) ordered Qatari news outlet Al Jazeera to register the U.S. operations of its affiliate AJ+ as a foreign agent under the Foreign Agent Registration Act (FARA). While DOJ has not confirmed these reports, Al Jazeera has publicly condemned the move.

FARA is a disclosure statute designed to promote transparency in the U.S. political, media, and public relations arenas, among others, with respect to foreign influence. In short, FARA requires every “agent of a foreign principal” engaging in certain political or quasi-political activities in the United States to register as such with DOJ, and to periodically – and publicly – disclose certain details of that agency relationship with the foreign principal. Although FARA has a “news/press exemption,” it is interpreted narrowly and does not apply when a foreign government retains editorial control over programming content.

Several prominent lawmakers have been urging DOJ to require Al Jazeera to register in recent years. In March 2018, U.S. Representatives Josh Gottheimer (D-NJ) and Lee Zeldin (R-NY) led a bipartisan group of 19 members asking then-Attorney General Jeff Sessions to investigate whether Al Jazeera met the definition of “foreign principal” and if so, whether its subsidiaries should be required to register as foreign agents. Since then, Republican lawmakers have sent two additional letters pressing DOJ to look into the matter, first, led by U.S. Senators Chuck Grassley (R-IA) and Tom Cotton (R-AR) in June 2019, and most recently, led by Sen. Marco Rubio (R-FL) and Zeldin last month.

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Practice Areas

Foreign Agents Registration Act (FARA)
International Trade

In the fiscal year 2019 National Defense Authorization Act (NDAA), Congress began requiring foreign-owned media outlets to file reports with the Federal Communication Commission (FCC) about their relationship with their foreign principals, which must be made publicly available. Notably, in their latest letter, lawmakers note that “Al Jazeera has missed three consecutive FCC filing deadlines, in addition to openly defying FARA requirements, claiming without evidence that it is completely independent of the state.”

DOJ’s requirement that AJ+ register under FARA falls closely behind the heels of other recent efforts to require state-run media entities to register under the statute. For instance, in August 2019, the Department directed the Turkish Radio & Television Corporation to register its U.S. affiliate; in September 2018, it ordered Chinese state-run media company China Global Television Network (CGTN) to register its U.S. operations; and in 2017, DOJ required RT America, Inc. to register as a foreign agent of Russia. DOJ’s order that AJ+ register also reinforces the agency’s continued heightened enforcement efforts with respect to registration under the statute.

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