

Former New York Government Official Linda Sun Charged with FARA Violations

September 4, 2024

On Tuesday, September 3, 2024, Linda Sun, a former high-ranking official in New York State's government, was arrested in Brooklyn and charged with violating the Foreign Agents Registration Act (FARA) for allegedly acting as an undisclosed agent of the People's Republic of China (PRC) and the Chinese Communist Party (CCP). Sun, along with her husband Chris Hu, are accused of leveraging Sun's position to advance the interests of the PRC and CCP within the United States.

According to the indictment, Sun used her position to promote CCP and PRC initiatives by acting at the request of PRC government officials and engaged in "numerous political activities," such as arranging meetings between PRC officials and New York State government officials, obtaining state proclamations for PRC officials without proper authorization, and violating numerous state protocols to provide benefits to PRC and CCP officials. In return for her actions, Sun and Hu received substantial benefits such as tickets to events, travel accommodations, and employment opportunities for Sun's family within the PRC. The indictment also includes allegations of money laundering and bank fraud.

"As alleged, while appearing to serve the people of New York as Deputy Chief of Staff within the New York State Executive Chamber, the defendant and her husband actually worked to further the interests of the Chinese government and the CCP," said United States Attorney Breon Peace. "The illicit scheme enriched the defendant's family to the tune of millions of dollars. Our Office will act decisively to prosecute those who serve as undisclosed agents of a foreign government."

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Practice Areas

Foreign Agents Registration Act (FARA)
National Security

By way of background, any person (individual or corporation) who acts as an “agent of a foreign principal,” as defined under FARA, is required to register with the U.S. Department of Justice (DOJ) unless an exception to registration applies. To satisfy the definition of a foreign agent, three requirements must be met – first, there must be a foreign principal; second, there must be an agency relationship with a foreign principal; and, third, the agent must be engaged in one of four covered activities. These registration triggers are broadly construed under FARA, and both civil and criminal penalties can result from noncompliance.

While the number of criminal enforcement actions for FARA violations remains relatively low, in part because criminal penalties are for “willful” violations of the law, the number has been growing steadily in recent years. Indeed, in the past year alone, there have been a series of high-profile FARA-related criminal enforcement actions, including criminal proceedings against former U.S. government employee Sue Mi Terry, U.S. Senator Bob Menendez, and political consultants Barry Bennett and Douglas Watts. These developments underscore ongoing concerns about foreign influence operations in the United States and highlight DOJ’s ongoing efforts to enforce FARA more aggressively. They also reinforce the importance of ensuring that parties operating in the political and quasi-political space are aware of and in full compliance with FARA.

Please contact the FARA attorney listed on this alert for any questions.

View Wiley's FARA Handbook [here](#)

Maddie Van Aken, a Legislative and Reporting Coordinator at Wiley Rein LLP, contributed to this alert.