

ALERT

Pompeo Calls on Think Tanks, Foreign Policy Organizations to Disclose Foreign Ties

October 14, 2020

Secretary of State Michael Pompeo called on think tanks and other foreign policy organizations to prominently disclose any funding they receive from foreign governments, including state-owned or state-operated subsidiary entities.

In a statement, Pompeo said, “The unique role of think tanks in the conduct of foreign affairs makes transparency regarding foreign funding more important than ever. To protect the integrity of civil society institutions, the [State] Department requests henceforth that think tanks and other foreign policy organizations that wish to engage with the Department disclose prominently on their websites funding they receive from foreign governments, including state-owned or state-operated subsidiary entities.”

Pompeo noted that disclosure is not required for the Department to engage with such entities; however, Department staff will “be mindful of whether disclosure has been made and of specific funding sources that are disclosed when determining whether and how to engage.” Pompeo’s recent statement underscores the U.S. government’s heightened focus on foreign funding of certain activities in the United States, including political activities, and promoting enhanced transparency and disclosure in this arena.

Although this policy is distinct from the disclosure requirements under the Foreign Agents Registration Act (FARA), 22 U.S.C. 611 et seq., FARA similarly requires entities/individuals engaged in certain activities within the United States, including trying to influence U.S. public or political policy/opinion, and that receive funding or subsidization (in whole or in part) from a foreign source, to make certain disclosures/abide by certain reporting requirements absent an exemption to registration. Therefore, in addition to the Department’s new disclosure requirement, U.S. think tanks/foreign policy organizations that receive funding from foreign sources, including foreign governments, should also be mindful of FARA and whether they may have a registration obligation under the statute.

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Nicole Hager, a Law Clerk at Wiley Rein LLP, contributed to this alert.