

ALERT

Congressional Spotlight on FARA: Heightened Focus on U.S. Non-Profits and Foreign Influence and Other Noteworthy Developments

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There have been several recent Congressional developments involving the Foreign Agents Registration Act (FARA), underscoring that enforcement of FARA remains a priority issue for members of Congress, in particular. Among these recent FARA-related congressional developments are the following:

- The U.S. House of Representatives Ways and Means Committee kicked off this year with a hearing on *Foreign Influence in American Non-profits: Unmasking Threats from Beijing and Beyond*, largely focusing on how foreign actors exploit regulatory gaps to funnel money into influential American nonprofits and institutions to advance agendas adverse to U.S. national interests, while benefiting from tax-exempt status. Witnesses testified that strengthening FARA enforcement to include non-profit entities is necessary to curb growing efforts by the Communist Party of China (CCP) and other adversaries to influence U.S. policy. The hearing follows closely behind recent FARA-related legislative proposals concerning foreign influence on non-profits, including 2025's introduction of the Foreign Registration Obligations for Nonprofit Transparency (FRONT) Act, which would require certain tax-exempt organizations to register under FARA if they receive funds from a "foreign country of concern."
- Congressional requests for the U.S. Department of Justice (DOJ) to investigate whether certain U.S.-based political activities

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should be registered under FARA have also continued. Most recently, on February 3, 2026, U.S. Senator Josh Hawley (R-MO) sent a letter to U.S. Attorney General Pam Bondi requesting that the DOJ examine the funding sources and organizational coordination behind recent protests in Minnesota and other states, specifically asking the DOJ to assess whether “foreign-linked individuals or entities are providing funding, direction, or material support for activities aimed at undermining federal immigration enforcement” efforts. If these allegations are substantiated, the alleged conduct could violate FARA as well as applicable campaign finance, conspiracy, money laundering, and racketeering laws. Additionally, in November, Congressman Lance Gooden (R-TX), a senior member of the House Judiciary Committee, authored a letter to Attorney General Bondi, urging the DOJ to investigate the CCP’s alleged practice of discreetly funneling millions of dollars through climate-based charitable entities to advance Chinese “green” technology interests.

- A number of bills to strengthen enforcement, among other FARA reforms, remain pending. These include bills that would amend FARA to require retroactive FARA registration and to narrow the statute’s exemptions, which include the Lobbying Disclosure Act (LDA) exemption to FARA. While most of these bills have seen little movement since their introduction, notably, the Lobbying Disclosure Improvement Act (S. 865) passed the Senate and was referred to the House at the end of last year. This Act would create an additional registration requirement under the LDA, compelling registrants to indicate as part of their LDA filing whether they are availing themselves of the LDA exemption to FARA registration. As discussed in a prior alert, this additional requirement would address the LDA exemption “loophole,” allowing foreign agents that are engaged in political activity and are duly registered under the LDA to avail themselves of the LDA exemption to FARA registration, provided that the activity is not being undertaken on behalf of a foreign government/foreign political party and that it is not principally benefiting such entities. While this exemption has been routinely subject to criticism, to date, congressional efforts to remove, amend, or audit the exemption have proven unsuccessful.

These and other Congressional developments reinforce that even as the threat of criminal prosecution related to FARA has decreased under the current Administration, U.S. policymakers remain keenly focused on FARA. For this reason, among others, FARA compliance should remain a priority for industry. Wiley’s FARA Handbook provides further information on FARA and what may be on the horizon for FARA enforcement.

For more information on FARA and our related capabilities, please contact the attorney listed on this alert.

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