

ALERT

Senator Urges DOJ to Investigate Foreign Influence Over U.S. AI Policy

December 6, 2024

U.S. Senator Ted Cruz, Ranking Member of the Senate Committee on Commerce, Science, and Transportation, recently sent a letter to Attorney General Merrick Garland and the U.S. Department of Justice (DOJ) expressing concerns that European-based artificial intelligence (AI) policy organizations are avoiding registration under the Foreign Agents Registration Act (FARA).

Specifically, the November 21 letter alleges that the Centre for the Governance of Artificial Intelligence (Centre), a UK-based nonprofit, has engaged in political activity in the United States that is intended to shape U.S. AI policy without registering as a foreign agent under FARA. The Centre's alleged political activity included, for example:

- Participating as a co-host for a conference in San Francisco that "conven[ed] researchers and policy representatives" to discuss "the future of AI model safety evaluations";
- Providing public comments on several requests for information issued by the Office of Science and Technology Policy, the National Institute of Standards and Technology, and the National Telecommunications and Information Administration;
- Providing testimony before the U.S. Senate AI Insight Forum; and
- Having its staff personally lobby U.S. policymakers.

Though acknowledging that the Centre has a branch in the United States, Senator Cruz's letter argues that the nonprofit qualifies as an agent of a foreign principal because the U.S. branch is effectively directed and controlled by foreign interests. Specifically, the letter alleges that the U.S. branch merely operates as a shell subsidiary with

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Practice Areas

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a virtual U.S. office, and that the organization's leadership, including its corporate officers and board of directors, are foreign citizens.

The letter concludes by requesting documentation from the DOJ regarding the Centre's potential FARA registration, including all documents and communications between the DOJ and the Centre relating to FARA registration since January 1, 2023. It also requests all communications between the Centre and other "foreign counterparts" as part of the DOJ's Justice AI initiative. The letter provides DOJ with a deadline of no later than December 12, 2024, to provide the requested documents.

Foreign efforts to regulate AI research, development, and commercial deployment, particularly by the European Union, have become a growing concern for U.S. policymakers. In his letter, Senator Cruz expressed concern that European AI regulations could stifle U.S.-based AI innovation and that European policies and policymakers might directly influence U.S. AI policymaking.

As U.S. government agencies and officials continue to discuss and implement best practices and policies for AI, and as U.S. policymakers raise growing concerns over foreign influence in this realm, this could bring a heightened focus by DOJ in the coming year on ensuring that foreign-funded, directed, and/or controlled entities or persons seeking to influence U.S. AI policy are FARA compliant. This most recent congressional letter also reflects a recent and growing uptick in Congress' focus on FARA compliance as it pertains to associations and nonprofits, as noted in our previous alerts [here](#) and [here](#).

Please contact the attorney listed on this alert with any questions.

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Zachary Roten, an International Trade Specialist at Wiley Rein LLP, contributed to this alert.