
National Legal and Policy Center

“promoting ethics in public life”



October 31, 2020

Via e-mail

fara.public@usdoj.gov

FARA Unit
National Security Division
Attn: John C. Demers, Assistant Attorney General for National Security
U.S. Department of Justice
175 N Street, NE
Constitution Square Building 3-Room 1.300
Washington, D.C. 20002

Re: NLPC Complaint Against Hunter Biden; the Truman National Security Project; and the University of Pennsylvania and its Penn Biden Center for Failing to Register under FARA

Dear Mr. Demers:

The National Legal and Policy Center (NLPC) hereby files this complaint against Hunter Biden; the Truman National Security Project; and the University of Pennsylvania and its Penn Biden Center for Diplomacy and Global Engagement, because there is reason to believe that one or more of them or their agents may have failed to register as a foreign agent under the Foreign Agent Registration Act (FARA), 22 U.S.C. 611, *et seq.* regarding their political activities on behalf of a foreign country or principal.

NLPC requests a full investigation of this matter, which we believe may lead to other civil or criminal violations of federal law, including conspiracy, money laundering, tax evasion, and wire fraud, that may have been committed by Hunter Biden and his associates, including his uncle James Biden, and his father Joe Biden.

INTERESTS OF COMPLAINANT

Founded in 1991, NLPC is a nonprofit public interest organization that promotes ethics in public life through research, investigation, education and legal action.¹ Over the years, NLPC has filed ethics and misconduct complaints against public officials in a variety of venues, such as the Federal Election Commission and the Senate Ethics Committee.

More particularly, NLPC filed a complaint with the Department of Education on May 25, 2020, requesting an investigation into the receipt of some \$67 million from China, \$22 million of which were anonymous donations from China, from 2017-2019, to the University of Pennsylvania, including one anonymous donation of \$14.5 million on May 29, 2018. Some of these funds were likely funneled to its Penn Biden Center for Diplomacy & Global Engagement and to pay Joe Biden some \$900,000 for a few appearances he made before he announced his candidacy for the presidency on April 25, 2019.²

FARA REQUIREMENTS

FARA's purpose is to inform the American public of the activities of agents working for foreign principals intended to influence U.S. Government officials and/or the American public with reference to the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a foreign country or foreign political party.

The term "foreign principal" is defined as including "a government of a foreign country and a foreign political party . . . and a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country." 22 U.S.C. 611(b). A person representing a foreign principal is "an agent of a foreign principal" who must register under FARA if it acts "at the order, **request**, or under the direction or control of a foreign principal" and engages in certain specified activities within the United States. Among those activities requiring registration are engaging in "political activities" or "represent[ing] the interests of such foreign principal

¹ <https://nlpc.org/about-nlpc/>

² See NLPC complaint: <https://nlpc.org/2020/05/25/watchdog-asks-feds-to-investigate-university-biden-center-for-millions-in-anonymous-china-donations/>. See also <https://freebeacon.com/2020-election/watchdog-raises-questions-about-china-influence-as-penn-biden-center-wont-disclose-donors/> NLPC's complaint also noted that the Chairman of the Board of Trustees of University of Pennsylvania, David L. Cohen, who is also chief lobbyist for Comcast, hosted the first fundraiser for Joe Biden at his home with 150 guests on April 25, 2019, the very day he announced his candidacy, the timing of which obviously had to be coordinated in advance. <https://www.inquirer.com/news/joe-biden-philadelphia-comcast-fundraiser-david-l-cohen-2020-20190426.html>

before any agency or official of the Government of the United States.” 22 U.S.C. 611(c)(1)(i) and (iii).

22 U.S.C. 611(c)(1) defines an "agent as a foreign principal" to include "any person who acts as an agent, representative, employee, or servant, **or any person who acts in any other capacity at the order, request, or under the direction** or control, of a foreign principal **or of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal**[" (emphasis added).

Section 611(o) of FARA states, "[t]he term 'political activities' means any activity that the person engaging in believes will, **or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States** or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party[.]"

Criminal Penalties

Any person who willfully violates any provision of FARA or any regulation thereunder . . . shall, upon conviction thereof, be punished by a fine of not more than \$250,000 or by imprisonment for not more than five (5) years. *See* 22 U.S.C. 618(a); 18 U.S.C. 3571.

1. Hunter Biden’s FARA Activities Promoting Burisma and CEFC

There is evidence that Hunter Biden attempted to influence his father, then Vice-President Joe Biden and other federal officials, and to directly or indirectly promote the political or public interests of foreign entities, including Burisma in Ukraine and CEFC China Energy Co., a Chinese conglomerate whose chairman had links to the communist regime in Beijing³ and in which Hunter Biden had a lucrative financial stake.

This complaint is based on recently disclosed evidence found in the hard drive of the laptop belonging to Hunter Biden, which has been in the hands of the FBI since December 2019, consisting of incriminating emails and text messages, as reported recently by the explosive story in New York Post, whose twitter account was improperly deleted but restored yesterday after much public pressure.⁴ This evidence has been confirmed as being genuine rather than being

³ A joint report from the Senate Homeland Security and Senate Finance Committees [released on Sept. 23](#) regarding Hunter Biden’s foreign business dealings said that CEFC’s chairman at the time, Ye Jianming, had ties to the People’s Liberation Army. Ye had also been an officer in the 2000s for a group controlled by the Chinese Communist Party, according to the Senate report. <https://dailycaller.com/2020/09/23/hunter-biden-senate-report-ukraine-china-burisma/>

⁴ New York Post, *Emails reveal how Hunter Biden tried to cash in big on behalf of family with Chinese firm* (Oct. 15, 2020) <https://nypost.com/2020/10/15/emails-reveal-how-hunter-biden-tried-to-cash-in-big-with-chinese-firm/>

fabricated or hacked as part of a Russia disinformation campaign as pro-Joe Biden partisans have falsely alleged, by the recent public statements of Hunter Biden's former business partner, Tony Bobulinski, **and never denied by Hunter Biden**. Bobulinski, a former Navy officer, was recently interviewed by the FBI and has turned over several cell phones allegedly containing further incriminating evidence.⁵

Of particular relevance demonstrating Hunter Biden's knowledge of FARA with respect to CEFC Chinese Energy is a text message sent by Hunter to Bobulinski on May 1, 2017, stating in part:

"We don't want to have to register as foreign agents under the FCPA [sic] which is much more expansive than people who should know choose not to know."⁶

Hunter then suggested that a domestic entity be established in the United States presumably as the alter ego of the foreign company in an attempt to circumvent FARA's registration requirement.

Burisma. There can be no question that Hunter Biden is an "agent" of a "foreign principal," namely, Burisma Holdings, a Cyprus-registered gas producing company holding assets in Ukraine. It is one of Ukraine's top-three independent gas producers headquartered in Kyiv, on which Hunter Biden served as a Board member from 2014-2019, for which he was paid \$50,000 a month even though he has no experience in the oil or energy sector

A recently released 87-page report on September 23, 2020, by Senate Homeland Security and Governmental Affairs Committee Chairman Ron Johnson (R-Wis.) and Senate Finance Committee Chairman Chuck Grassley (R-Iowa), says the Hunter Biden's job "was problematic and did interfere in the efficient execution of policy with respect to Ukraine."⁷

Hunter Biden's role on Burisma's board negatively impacted the efforts of dedicated career service individuals who were fighting to push for anticorruption measures in Ukraine," the

⁵ <https://www.newsweek.com/ex-hunter-biden-associate-tony-bobulinski-says-fbi-interviewed-him-hours-examined-his-cellphones-1543488>

⁶ Hunter presumably meant to refer to FARA instead of FCPA since the Foreign Corrupt Practices Act does not require any registration as a foreign agent but is instead an anti-bribery statute prohibiting U.S. companies from bribing foreign officials to do business in that country. Daily Caller Foundation, *Hunter Biden Sought To Avoid Registering As Foreign Agent In Chinese Business Venture, Text Message Shows* (Oct. 24, 2020). <https://dailycaller.com/2020/10/24/hunter-biden-bobulinski-fara-china/> See also Paul Sperry, *Senate Panel Investigating Hunter Biden's Failure to Register as Foreign Agent* (Oct. 27, 2020) https://www.realclearinvestigations.com/articles/2020/10/27/senate_probes_hunter_bidens_failur_e_to_register_as_foreign_agent_125798.html

⁷ New York Post, *Senate Republicans release explosive report on Hunter Biden, Burisma* (Sept. 23, 2020) <https://nypost.com/2020/09/23/gop-senators-release-explosive-report-on-hunter-biden-burisma/>

report says. Two American officials — George Kent, former acting deputy chief of mission at the U.S. Embassy in Kyiv, and senior State Department official Amos Hochstein — “raised concerns” to Vice President Biden’s staff and directly to Biden, respectively. “Despite the efforts of these individuals, their concerns appear to have fallen on deaf ears,” the Senate report says.

FARA Violations

Hunter Biden’s efforts to have representatives of Burisma and CEFC China meet with his father and/or other government officials were either “political activities” or “represent[ing] the interests of such foreign principal before any agency or official of the Government of the United States,” or both. According to one account:

At around the same time Hunter Biden joined their board, Burisma sponsored several events at the Atlantic Council, attended by their representative **Vadym Pozharsky**, and, according to the report, Burisma hired **Blue Star Strategies** for the purpose of setting up meetings at the State Department on Burisma’s behalf. It would seem as if hiring Hunter Biden and Devon Archer, and Blue Star Strategies, along with getting the Atlantic Council to hold several events where Burisma was the sole sponsor, were all part of an effort by Burisma to burnish their Washington, DC image, and well-respected local institutions seemed to be only too happy to be of assistance to them.⁸

In order to promote Burisma’s political interest, Hunter arranged a meeting with Burisma’s Vadym Pozharski and Vice President Biden. An email dated April 17, 2015, from Mr. Pozharski to Hunter Biden, reads in part:

“Dear Hunter, thank you for inviting me to DC and giving an opportunity to meet your father and spent some time together. It’s really and honor and pleasure.”

The email was sent less than a year before Joe Biden pressured former Ukrainian President Petro Poroshenko to fire a prosecutor who was reportedly investigating the gas company in return for a \$1 billion loan guarantee from the United States. While Joe Biden’s presidential campaign said in a [statement](#) that Biden’s official schedule indicates that no such meeting as alleged in the email took place, it did not rule out that he had an informal meeting with the Burisma executive. Nevertheless, the fact that Hunter was arranging for these kinds of contacts with government officials in itself triggers FARA registration, regardless of the success of those efforts.

The November 2016 meeting between Burisma's Vadym Pozharsky and USAID officials at the State Department came as the Ukrainian gas firm, where Hunter worked as a highly compensated board member, was scrambling to settle corruption allegations in Ukraine before Donald Trump became president and Joe Biden left office, according to the memos released under the Freedom of Information Act.

⁸ <https://www.intellinews.com/comment-what-did-hunter-biden-do-in-ukraine-and-why-was-he-hired-194567/> See also Wall Street Journal, *Ukraine Company’s Campaign to Burnish Its Image Stretched Beyond Hunter Biden* (Nov. 7, 2019). <https://www.wsj.com/articles/ukraine-companys-campaign-to-burnish-its-image-stretched-beyond-hunter-biden-11573154199>

Pozharsky's contact with USAID officials was flagged in a Dec. 8, 2016, memo to U.S. Ambassador Marie Yovanovitch, then the top American diplomat in Ukraine, as she prepared herself to meet with representatives of a Democratic firm named Blue Star Strategies that was leading Burisma's campaign to end the corruption probes in Ukraine.⁹

Moreover, Joe Biden's insistence that he never discussed his son's business activities lacks credulity if, as it appears, a meeting in April 2015 took place between him and Mr. Pozharsky and because that denial has been disputed by Hunter Biden himself and Hunter's business associate, Tony Bobulinski.

In July 2019, Hunter Biden acknowledged to *The New Yorker* that he had discussed his dealings with Ukrainian gas company Burisma with his father in 2015.

"Dad said, 'I hope you know what you are doing,' and I said, 'I do,'" [Hunter Biden](#) recalled. Hunter Biden and his longtime business partner Devon Archer joined Burisma's board of directors in April 2014.

Four months later, in August 2014, the pair were [pictured](#) alongside Joe Biden on a golf course in the Hamptons. ****

Archer was [convicted](#) during a 2018 trial on conspiracy and security fraud charges related to a \$60 million bond scam offered to the Oglala Sioux Tribe in South Dakota. Archer is scheduled to be sentenced in January.¹⁰

CEFC China Energy Co. Tony Bobulinski said during a recent press conference that Joe Biden in fact had direct knowledge of his son's business dealings when he met with the former vice president on May 2, 2017, to discuss a joint venture deal between Oneida Holdings and the Chinese energy firm CEFC China Energy Co.

"I have heard Joe Biden say he's never discussed business with Hunter," said [Bobulinski](#), a Navy veteran. "That is false." "I was introduced to Joe Biden by Jim Biden and Hunter Biden," Bobulinski said.

"In my approximately hour-long meeting with Joe that night we discussed Biden's history, the Biden family business plans with the Chinese, with which he was plainly familiar, at least at a high level."¹¹

Another email dated May 13, 2017, contains a discussion of "remuneration

⁹ Just the News *Burisma official reportedly linked to Joe Biden met with State officials in 2016, memos show* (Oct. 15, 2020). <https://justthenews.com/accountability/russia-and-ukraine-scandals/burisma-official-reportedly-linked-joe-biden-met-state>

¹⁰ Daily Caller, *Here Are All The Times Joe Biden Allegedly Talked With Hunter About His Foreign Business Dealings* (Oct. 27, 2020). <https://dailycaller.com/2020/10/27/joe-biden-hunter-foreign-business-dealings/>

¹¹ *Hunter's ex-business partner says Joe Biden lied about business deals in China* (Oct. 22, 2020). https://www.realclearpolitics.com/video/2020/10/22/hunters_ex-business_partner_says_joe_biden_lied_about_business_deals_in_china_fbi_has_proof.html

packages” for a deal with CEFC China Energy Co. including equity splits of “20” for “H” and “**10 held by H for the big guy?**” — numbers representing percentage shares expected.

Later in August, Hunter Biden was apparently working another CEFC deal that was to pay **him more than \$10 million per year “for introductions alone.”**

According to the Hunter Biden business associate, Tony Bobulinski, “The big guy,” “my guy,” and “chairman” all were names that Hunter used for his father. “Hunter Biden called his dad ‘the Big Guy’ or ‘my Chairman,’ and frequently referenced asking him for his sign-off or advice on various potential deals that we were discussing,” wrote Bobulinski, confirming that the identity of “the Big Guy” in a May 17, 2017 email published in the New York Post earlier this month is a reference to Joe Biden.

The same email showed Hunter Biden was being offered a \$3 million a year contract from a Ye who possesses deep ties to the Chinese Communist Party for “introductions alone” where **10 percent** was flagged to be set aside for “the Big Guy.”¹²

Joe Biden has not denied that he received any money from his son’s foreign business deals, only that he did not receive any money directly from foreign sources. The Biden campaign simply said that his tax returns do not show that he received any funds from his son Hunter. In the first place, the omission of income on someone’s tax returns is not evidence that it wasn’t earned. That would constitute tax evasion. Moreover, if the funds or shares from Hunter’s financial interests to his father were gifts, they are not reportable income in any event by the recipient; instead, the donor is subject to gift tax depending on the amount. In short, Biden’s tax returns are self-serving.

Accordingly, there is reason to believe that Hunter Biden failed to register as a foreign agent under FAR in his dealings with Burisma and CEFC China Energy.

2. The Truman National Security Project

The Truman National Security Project is a nonprofit public policy advocacy organization¹³ that was required to register with DOJ under FARA because two of its board members, Hunter Biden and Sally Painter (individuals who, as directors, “direct” the Truman Project) who is also the COO of Blue Star Strategies, which was hired by Burisma in 2015, and thus share the same client; and because the Truman Project has engaged in political activities which support Burisma's interests and has sought to inform the public on domestic or foreign policy which oppose the policies of the Trump administration.

When Hunter Biden was an interested director at Burisma, the company hired BlueStar. As reported by the Wall Street Journal, “[i]n November 2015, Burisma hired Washington-based consulting firm Blue Star Strategies, which has been lauded in the West for its work to help

¹² The Federalist, *Where is Hunter Biden’s Money* (Oct. 28, 2020) <https://thefederalist.com/2020/10/28/where-is-hunter-bidens-money/>

¹³ <http://trumanproject.org/home/>

former Soviet countries prepare for NATO consideration. Its founders: Sally Painter, a senior adviser to the Commerce Department in the Clinton administration, and Karen Tramontano, a deputy chief of staff in the Clinton White House."

The [Journal](#) also reported that "email exchanges between State Department staffers show that Karen Tramontano, chief executive of Blue Star, cited Mr. Biden's position in trying to secure a meeting with a senior official at the State Department."

Furthermore, 22 U.S.C. 613(h) provides that any agent of a non-governmental foreign principal is exempt from FARA if the agent registers under the Lobbying Disclosure Act of 1995 when conducting lobbying on behalf of the foreign principal. However, the Truman National Security Project has not registered under the LDA.

The Free Beacon article on February 12, 2020,¹⁴ describes in detail the connection between Hunter Biden, Sally Painter, and the Truman Project:

A cached version of the organization's website shows that Biden rose to the position of vice chairman of the board, serving there until [at least March of 2019](#). It is not clear precisely when—or why—Biden stepped down from the board, and the Truman Project did not respond to requests for comment. But during his tenure on the board, [according to the New Yorker](#), he was in and out of drug rehabilitation facilities several times and, in 2014, joined the board of the Ukrainian gas giant Burisma and was discharged from the U.S. Navy after he failed a drug test. He later claimed that cigarettes he had smoked outside a bar may have been, unbeknownst to him, laced with cocaine.

Biden wasn't the organization's only connection to Burisma. Throughout his tenure on the board he sat alongside Sally Painter, the chief operating officer of the Washington, D.C., lobbying firm Blue Star Strategies, which was hired by Burisma to improve the company's image in the United States. A November *Wall Street Journal* [report](#) detailed how Painter's colleague, Karen Tramontano, used Biden's name in an effort to secure meetings with senior State Department officials, though the paper said it was not clear "whether the younger Mr. Biden knew his name was being used by Blue Star in its contacts with State Department officials on Burisma's behalf in early 2016."

While it is unclear exactly when Burisma retained Blue Star Strategies, Biden and Painter were serving together on the Truman board while Blue Star was working for Burisma.

The IRS requires nonprofit organizations to disclose when directors or officers have a business relationship, but the Truman National Security Project did not do so.

As a tax-exempt organization, the Truman National Security Project is required to file its Form 990 tax returns and to disclose whether any of its officers or key employees have a "business relationship" with any others. The [Instructions](#) to the Form 990 published by the IRS

¹⁴ Free Beacon, *Where's Hunter? Until Recently, On the Board of the Left's Premier National Security Network* (Feb. 12, 2020). <https://freebeacon.com/politics/wheres-hunter-until-recently-on-the-board-of-the-lefts-premier-national-security-network/>

require disclosure of business relationships when "One person is employed . . . by an organization with which the other is associated as a [] director." In other words, if Burisma hires Sally Painter (which it did) and Hunter Biden is a director of Burisma (which he was), the existence of a business relationship must be disclosed.

Part VI, Section A, Question 2 of Form 990 form asks: "Did any officer, **director**, trustee, or key employee have a family relationship **or a business relationship with any other** officer, **director**, trustee, or key employee? On its 2017 Form 990, the Truman National Security Project answered "No." See Truman National Security Project's (TNSP) [2017 990](#).¹⁵

FARA Coverage. In 2015, in a [speech](#) Vice President Joe Biden made at the **Truman Project** (by this time, Hunter was already a director for Burisma), he commented on his role in securing energy independence in Ukraine: "In spite of all that Russia has done, Ukraine has been able to move. And we've already made significant progress in the face of Russian cut-off of gas supplies to Ukraine last year, we supported the EU's effort to mediate a gas deal and work through Ukraine's neighbors to increase reverse flows of gas, shipments to Ukraine. We supported Lithuania as it inaugurated its first LNG terminal, ending the Baltic region's complete dependence on European imports."¹⁶

In 2015, the U.S. Ambassador to Ukraine, Gregory Pyatt, [met](#) with BlueStar lobbyists. Before that time, as reported by the Senate, he was critical of Burisma. After that time, he began criticizing Shokin's investigation of Burisma.

While the White House only [summarized](#) the May 2016 VP Biden-Poroshenko call regarding the firing of Ukraine prosecutor Victor Shokin, the [full transcript](#) of the Biden calls with Poroshenko (in February, March, and May 2016) make clear that loan guarantees to Ukraine from the U.S. were conditioned ("man of my word . . . now that we've gotten the new prosecutor" 0:37-0:46 of May call) upon the firing of Shokin.

Given the full transcripts and [internal memos](#) concerning the Shokin firing, the facts support the conclusion that Vice President Biden's request to have Shokin fired was motivated by the prosecutor's decision to seek information from Hunter Biden concerning his fees obtained from Burisma.

Blue Star might argue that its activities on behalf of Burisma fall under the "commercial exemption" of FARA. *See* 22 U.S.C. § 613(d); 28 C.F.R. § 5.304. When an agent engages in activities on behalf of a foreign principal, excluding a foreign government or political party, that are private and nonpolitical in nature in furtherance of the *bona fide* trade or commerce interests of the foreign principal, the agent need not file a registration with the Department of Justice. Because BlueStar would argue that it was not engaging in lobbying activities (i.e. with regard to legislation or executive branch activity on legislation), it might argue it did not need to file under the Lobbying Disclosure Act for its Burisma-related activities.

¹⁵ <https://projects.propublica.org/nonprofits/organizations/201597444/201833169349305228/IRS990>

¹⁶ <https://obamawhitehouse.archives.gov/the-press-office/2015/06/26/remarks-vice-president-truman-national-security-project-and-center>

This argument lacks merit. 22 U.S.C. § 611(c)(1) defines an "agent as a foreign principal" to include "any person who acts as an agent, representative, employee, or servant, or **any person who acts** in any other capacity at the order, request, or **under the direction** or control, of a foreign principal or **of a person any of whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal**[".] (emphasis added).

Thus, so long as the Truman National Security Project **acts under the direction** of its directors Hunter Biden and Sally Painter **whose activities are subsidized in part** by Burisma and so long as Truman National Security Project "**engages within the United States in political activities for or in the interests of**" Burisma, the Truman National Security Project is required to register with the DOJ under FARA unless it qualifies for an exemption.

Moreover, 28 CFR 5.304(d) specifically states that the "commercial exemption" "shall not be available to any person described therein if he engages in political activities as defined in section 1(o) of the Act for or in the interests of his foreign principal. "Section 1(o) of FARA states, "[t]he term 'political activities' means any activity that the person engaging in believes will, or that the person intends to, **in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States** or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party[.]"

Thus, so long as the Truman National Security Project conducts activities it believes will influence the government or the public on **domestic or foreign policy**, which activities were detailed extensively by the Washington Free Beacon, it is **not exempt** from FARA registration.

Furthermore, 22 U.S.C. § 613(h) states any agent of a non-governmental foreign principal is exempt from FARA if the agent registers under the Lobbying Disclosure Act of 1995 when conducting lobbying on behalf of the foreign principal. Truman National Security Project has not registered under the LDA.

Accordingly, the Department of Justice should investigate the Truman National Security Project to determine whether it has failed to register as a foreign agent under FARA.

3. University of Pennsylvania and its Penn Biden Center for Diplomacy and Global Engagement

As previously noted, in its May 20, 2020, complaint to the Department of Education, NLPC requested that DOE investigate the University of Pennsylvania and its Penn Biden Center regarding the receipt of millions of dollars from China, many of them anonymous, to determine whether Penn complied with Section 117 of the Higher Education Act, 20 U.S.C. 1011f, that all gifts or contracts exceeding \$250,000 must disclose the foreign ownership and control of the gift or contract, a requirement designed to curtail national security threats such donations may bring to our institutions of higher learning.

However, the Department of Education has no jurisdiction or authority to determine whether the institution is required to register and report under FARA. Accordingly, NLPC

hereby requests that the Department of Justice conduct an investigation to determine whether there has also been a violation of FARA.

From 2013-2019, the University of Pennsylvania received more than \$67 million from China. More significantly, after the Penn Biden Center opened its doors here in Washington, D.C., on February 2018, the China gifts poured in all the more, including a single anonymous gift a few months later on May 25, 2018 for a whopping **\$14.5 million**, and continued after Biden announced his candidacy of the presidency on April 25, 2019:

2017: Total: \$7,734,790 Anonymous: \$500,000

2018: Total: \$27,104,246 Anonymous: \$15,800,000

2019: Total: \$26,947,074 Anonymous: \$6,004,975

The University of Pennsylvania has refused to disclose the source of these anonymous donations or any documents associated with these gifts or contracts. Both Penn and the Penn Biden Center are particularly vulnerable to Chinese influences due to these large amounts of donations and contracts. For example, Penn Global sponsored its fourth annual **2020 Penn China Research Symposium** on January 31, 2020, that included opening remarks by Ambassador Huang Ping, Consul-General of the People's Republic of China in New York. At least one of the panelists at the symposium was from the Penn Biden Center.¹⁷

There can be little doubt that Chinese sources have been funding Penn's China Symposia.¹⁸ The symposium on January 31, 2020, at the height of China's coverup as the source of the Covid pandemic, featured China's Consul-General. While neither Penn or the Penn Biden Center has yet to criticize China for its pandemic coverup for the coronavirus, on May 1, 2020, the Penn Biden Center publicly attacked both Hungary and Poland, U.S. NATO allies, for their efforts to control the spread of the virus as being undemocratic even though United States governors have exercised similar emergency powers and issued stay-at-home orders.¹⁹ Communist China is anything but democratic, as it cracks down on dissent in its country and Hong Kong and incarcerates up to a million of its Uighur minority citizens.

In short, the Department of Justice's FARA Unit should investigate Penn and the Penn Biden Center to determine whether there have been any explicit or implicit conditions attached to the \$67 million in donations and contracts from China, or a general understanding, to either forego criticism of China and its policies or to espouse certain views of that country. If so, this would constitute "political activities" under Section 611(o) of FARA, namely, any activity that **"in any way influence[s] . . . any section of the public within the United States with reference to . . . the political or public interests, policies, or relations of a government of a**

¹⁷ <https://global.upenn.edu/global-initiatives/event/2020-penn-china-research-symposium>

¹⁸ There is also a question as to the source of the approximately \$900,000 paid by Penn to Joe Biden and what he did to earn it. <https://www.inquirer.com/news/joe-biden-penn-salary-lectures-20190712.html>

¹⁹ <https://twitter.com/PennBiden/status/1256273201958653953>

foreign country or a foreign political party[.]” Any “section of the public within the United States” would include, of course, the students and faculty of Penn’s academic community as well as the larger foreign policy community.

The University of Pennsylvania and its Penn Biden Center may attempt to invoke the “academic” exemption of section 611(e) from registering as a foreign agent, which exempts, “Any person engaging or agreeing to engage only in activities in furtherance of bona fide religious, scholastic, academic, or scientific pursuits or of the fine arts.”

While Penn and the Penn Biden Center would appear at first blush to come within the exemption, the exemption is applicable by its own terms only if the activities are **exclusively** nonpolitical. Stated otherwise, if Penn and its Biden Center has engaged in **any** “political activities” as that term is defined in FARA, the exemption is inapplicable.²⁰ Moreover, 5 C.F.R. 5.304(d) makes clear that “[t]hat the “exemption provided by section 3(e) of the Act **shall not be available** to any person described therein if he engages in [any] political activities as defined in section 1(o) of the Act [28 U.S.C. 611(o)] for **or** in the interests of his foreign principal.” Finally, as 28 C.F.R. 5.300 provides, “The burden of establishing the availability of an exemption from registration under the Act **shall rest upon the person for whose benefit the exemption is claimed.**”

In short, NLPC has provided sufficient reason to believe that Penn and the Penn Biden Center may have engaged in covered “political activities” and that it is incumbent on Department of Justice to investigate the source and conditions of these multi-million gifts from China, many of which are anonymous.

CONCLUSION

For the foregoing reasons, NLPC requests that the Department of Justice conduct a thorough investigation to determine whether Hunter Biden or his associates, the Truman National Security Project or its agents, and the University of Pennsylvania and the Penn Biden Center, have engaged in activities covered by FARA and failed to register as an agent of a foreign principal.

NLPC reserves the right to amend or supplement this complaint as additional relevant information is discovered.

Respectfully submitted,

/s/ Paul D. Kamenar
Paul D. Kamenar, Esq.

²⁰ See also FARA Advisory Opinion dated November 12, 2019, where DOJ’s FARA Unit literally underscored the word “only” in describing the exemption in that situation where a religious institution, which admittedly engaged in “bona fide religious pursuits,” nevertheless engaged in some “political activities” and thus, was “not entitled to the religious exemption.”

1629 K Street, N.W., Suite 300
Washington, D.C. 20006
301-257-9435
Paul.kamenar@gmail.com

Counsel for NLPC

Date: October 31, 2020