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COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
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July 20, 2017

**VIA ELECTRONIC TRANSMISSION**

The Honorable Rod J. Rosenstein  
Deputy Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Dear Mr. Rosenstein,

According to news reports, during the 2016 presidential election, “Ukrainian government officials tried to help Hillary Clinton and undermine Trump” and did so by “disseminat[ing] documents implicating a top Trump aide in corruption and suggested they were investigating the matter...”<sup>1</sup> Ukrainian officials also reportedly “helped Clinton’s allies research damaging information on Trump and his advisers.”<sup>2</sup> At the center of this plan was Alexandra Chalupa, described by reports as a Ukrainian-American operative “who was consulting for the Democratic National Committee” and reportedly met with Ukrainian officials during the presidential election for the express purpose of exposing alleged ties between then-candidate Donald Trump, Paul Manafort, and Russia.<sup>3</sup> *Politico* also reported on a Financial Times story that quoted a Ukrainian legislator, Serhiy Leschenko, saying that Trump’s candidacy caused “Kiev’s wider political leadership to do something they would never have attempted before: intervene, however indirectly, in a U.S. election.”<sup>4</sup>

Reporting indicates that the Democratic National Committee encouraged Chalupa to interface with Ukrainian embassy staff to “arrange an interview in which Poroshenko [the president of Ukraine] might discuss Manafort’s ties to Yanukovich.”<sup>5</sup> Chalupa also met with Valeriy Chaly, Ukraine’s ambassador to the U.S., and Oksana Shulyar, a top aid to the Ukrainian ambassador in March 2016 and shared her alleged concerns about Manafort. Reports state that the purpose of their initial meeting was to “organize a June reception at the embassy to promote Ukraine.” However, another Ukrainian embassy official, Andrii Telizhenko, told *Politico* that Shulyar instructed him to assist Chalupa with research to connect Trump, Manafort, and the

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<sup>1</sup> Kenneth P. Vogel & David Stern, *Ukrainian efforts to sabotage Trump backfire*, POLITICO (Jan. 11, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

Russians. He reportedly said, “[t]hey were coordinating an investigation with the Hillary team on Paul Manafort with Alexandra Chalupa” and that “Oksana [Shulyar] was keeping it all quiet...the embassy worked very closely with” Chalupa.<sup>6</sup>

Chalupa’s actions appear to show that she was simultaneously working on behalf of a foreign government, Ukraine, and on behalf of the DNC and Clinton campaign, in an effort to influence not only the U.S voting population but U.S. government officials. Indeed, Telizhenko recalled that Chalupa told him and Shulyar, “[i]f we can get enough information on Paul [Manafort] or Trump’s involvement with Russia, she can get a hearing in Congress by September.”<sup>7</sup> Later, Chalupa did reportedly meet with staff in the office of Democratic representative Marcy Kaptur to discuss a congressional investigation. Such a public investigation would not only benefit the Hillary Clinton campaign, but it would benefit the Ukrainian government, which, at the time, was working against the Trump campaign. When *Politico* attempted to ask Rep. Kaptur’s office about the meeting, the office called it a “touchy subject.”

Aside from the apparent evidence of collusion between the DNC, Clinton campaign, and Ukrainian government, Chalupa’s actions implicate the Foreign Agents Registration Act (FARA). As you know, the Committee is planning a hearing on FARA enforcement. Given the public reporting of these activities in support of a foreign government, it is imperative that the Justice Department explain why she has not been required to register under FARA.

FARA requires individuals to register with the Justice Department if they act, even through an intermediary, “as an agent, representative, employee, or servant” or “in any other capacity” at the behest of a foreign principal, including a foreign political party, for purposes of engagement with a United States official.<sup>8</sup> The registration applies to anyone who attempts to influence a U.S. government official on behalf of a foreign principal in an effort to “formulat[e], adopt[, or chang[e] the domestic or foreign policies of the United States.”<sup>9</sup> As such, the focus of FARA is to require registration for individuals engaged in political or quasi-political activity on behalf of a foreign government. Likewise, an individual whose activities are subject to registration under FARA and who sends informational material “for or in the interest of [a] foreign principal” with the intent or belief that such material will be circulated among at least two persons must transmit the material to the Attorney General no later than 48 hours after actual transmission.<sup>10</sup> Notably, an ongoing failure to register is an ongoing offense.<sup>11</sup>

According to documents provided to the Committee, the Justice Department required the Podesta Group and Mercury LLC to register under FARA for working on behalf of the Ukrainian government.<sup>12</sup> Their registration was required even though the client, the European Centre for

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> 22 U.S.C. §§ 611(b)-(c).

<sup>9</sup> 22 U.S.C. § 611(o).

<sup>10</sup> 22 U.S.C. § 614(a).

<sup>11</sup> 22 U.S.C. § 618(e).

<sup>12</sup> Letter from Samuel R. Ramer, Acting Assistant Attorney General, U.S. Dep’t. of Justice to Senator Charles E. Grassley, Chairman, U.S. Senate Comm. on Judiciary (June 15, 2017).

the Modern Ukraine (ECFMU), wrote a letter saying it was not directly or indirectly controlled by the Ukrainian government. That did not matter to the Justice Department because their lobbying activity was not to “benefit commercial interests” of the ECFMU but instead to promote the “political or public interests of a foreign government or foreign political party.” The Justice Department made clear that an individual acting in the political or public interests of a foreign government must register under FARA. As such, because Podesta and Mercury were effectively working on behalf of Ukrainian government interests, they were required to register.

Unlike that situation where the Podesta Group and Mercury LLC worked for the middleman (EFCMU) and not the Ukrainian government, here Chalupa reportedly worked directly with Ukrainian government officials to benefit Ukraine, lobbying Congress on behalf of Ukraine, and worked to undermine the Trump campaign on behalf of Ukraine and the Clinton campaign. Accordingly, these facts appear to be exactly the type of activity Congress intended to reach with FARA. Please answer the following:

1. What actions has the Justice Department taken to enforce FARA’s requirements regarding Chalupa given the public reporting of her actions on behalf of the Ukrainian government?
2. Why has the Justice Department not required her to register under FARA?
3. Has the Justice Department sent a letter of inquiry to Chalupa? If so, please provide a copy. If not, why not?
4. Under 28 C.F.R. § 5.2, any present or prospective agent of a foreign entity may request an advisory opinion from the Justice Department regarding the need to register. Has Chalupa ever requested one in relation to her work on behalf of the Ukrainian government? If so, please provide a copy of the request and opinion.
5. Please differentiate the facts that required the Podesta Group and Mercury LLC to register with Chalupa’s.
6. Are you investigating the Ukrainian government’s intervention in the 2016 presidential election on behalf of the Clinton campaign? If not, why not?
7. Are you investigating links and coordination between the Ukrainian government and individuals associated with the campaign of Hillary Clinton or the Democratic National Committee? If not, why not?

I anticipate that your written response and the responsive documents will be unclassified. Please send all unclassified material directly to the Committee. In keeping with the requirements of Executive Order 13526, if any of the responsive documents do contain classified information, please segregate all unclassified material within the classified documents, provide all unclassified information directly to the Committee, and provide a classified addendum to the

Office of Senate Security. The Committee complies with all laws and regulations governing the handling of classified information. The Committee is not bound, absent its prior agreement, by any handling restrictions or instructions on unclassified information unilaterally asserted by the Executive Branch.

Thank you in advance for your cooperation with this request. Please respond no later than August 3, 2017. If you have questions, contact Josh Flynn-Brown of my Judiciary Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Committee on the Judiciary