

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 18, 2020

The Honorable John C. Demers
Assistant Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Assistant Attorney General Demers:

Recent press reports and a lawsuit suggest that former Congressman David M. Rivera (R-FL-25) worked on behalf of a foreign principal and conducted activities covered under the registration requirements of the Foreign Agents Registration Act (FARA).¹ I therefore request that the Department of Justice review whether Mr. Rivera was in compliance with FARA, including whether he has an obligation to retroactively register as a foreign agent acting on behalf of the Maduro regime.

Specifically, Mr. Rivera is alleged to have worked as a consultant on behalf of *Petróleos de Venezuela, S.A.* (“PDVSA”) and the regime of former Venezuelan President Nicolás Maduro—a repressive regime subject to comprehensive U.S. sanctions.² PDVSA is the state-owned oil and natural gas company of Venezuela and, at the time of Mr. Rivera’s work was controlled by Maduro. The complaint, brought by PDVSA’s U.S. subsidiary, PDV USA, alleges that in 2017, Mr. Rivera, through his Florida company, Interamerican Consulting, agreed to provide “strategic consulting services” for PDVSA. According to the complaint, “PDV USA was instructed by the parent company (PDVSA) of its parent company (PDV Holding, Inc.) to enter into the Agreement for the purported purpose of improving PDVSA’s ‘long-term reputation and standing’ in the United States.”³

The complaint alleges that “PDVSA, rather than PDV USA, made the initial contact with [Mr. Rivera] . . . and PDVSA, rather than PDV USA, selected [Mr. Rivera], the contemplated payment amounts and timing of those payments, and the substance of the work to be performed.”⁴ In the course of providing these services, Mr. Rivera allegedly “organized

¹ Patricia Mazzei, “Venezuelan Oil Company Sues Miami Ex-Congressman Over \$50 Million Deal,” May 13, 2020, <https://www.nytimes.com/2020/05/13/us/david-rivera-venezuela-oil-pdvs.html>; *PDV USA, Inc. v. Interamerican Consulting Inc.*, Case no. 20-cv-3699 (S.D.N.Y., May 13, 2020).

² See e.g., Executive Order 13808, “Imposing Additional Sanctions with Respect to the Situation in Venezuela,” Aug. 24, 2017; Executive Order 13827, “Taking Additional Steps to Address the Situation in Venezuela,” Mar. 19, 2018; Executive Order 13835, “Prohibiting Certain Additional Transactions With Respect to Venezuela,” May 21, 2018.

³ *PDV USA, Inc. v. Interamerican Consulting Inc.*, Complaint ¶ 1, Case no. 20-cv-3699 (S.D.N.Y., May 13, 2020).

⁴ *Id.* ¶ 16.

meetings” and engaged with “important policy makers,” “key public officials,” and “public sector stakeholders.”⁵

FARA requires registration of agents of foreign principals engaged in political activities and other conduct as specified by statute, including acting as “public relations counsel, publicity agent, information service employee or political consultant for or in the interests of such foreign principal.”⁶ The Act is clear that acting directly or indirectly in any capacity on behalf of a foreign principal triggers the requirement to register under FARA.⁷

FARA was enacted to ensure that American citizens have the necessary information to make judgments about the political activities of foreign governments and foreign agents operating in the United States. When foreign agents fail to register under FARA, their activities on behalf of foreign powers are hidden from public view, obscuring potential threats to U.S. national security.

The Maduro regime’s involvement in drug trafficking, crimes against humanity, and the expansive humanitarian crisis in Venezuela poses significant threats to U.S. national security interests and regional stability in Latin America and the Caribbean. If the U.S. Government is to be taken seriously in our efforts to defend and protect the Venezuelan people from the tyranny of the Maduro regime, the last thing we should tolerate is a former member of Congress potentially violating U.S. laws as he does the regime’s dirty work in the United States.

As the leader of the division charged with investigating non-compliance with FARA and enforcing the law, I hope that you will give this matter the attention that it deserves.

Sincerely,



Robert Menendez
Ranking Member

⁵ Id. ¶¶ 17, 25.

⁶ 22 U.S. Code § 611(c)(1)(ii).

⁷ Id. § 611(c)(1).