



August 15, 2019

AnnaLou Tirol  
Acting Chief, Public Integrity Section  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

Dear Acting Chief Tirol:

The Campaign Legal Center (“CLC”) respectfully submits the following complaint requesting an investigation into a potential violation of 18 U.S.C. § 207(f) by former United States Representative Jeff B. Miller.

Under Section 207(f), Rep. Miller was barred for one year after leaving Congress from knowingly “aid[ing] or advis[ing]” or “represent[ing]” a “foreign entity” with the intent to influence U.S. government officials’ decisions. However, Rep. Miller registered under the Foreign Agents Registration Act (“FARA”) as an agent of Qatar in July 2017, less than seven months after leaving office, in order to “advise” and “advocate on behalf of” Qatar before U.S. government officials. This appears to violate Section 207(f).

Rep. Miller’s term in the 114th Congress concluded on January 3, 2017. On April 24, 2017, the firm McDermott Will & Emery LLP (“McDermott”) announced that Rep. Miller would be joining its Government Strategies Group as a Senior Legislative Advisor to “reinforce the firm’s lobbying practice.”<sup>1</sup>

On July 27, 2017, McDermott filed a FARA registration statement disclosing that the firm would be acting on behalf of the State of Qatar, and disclosing that Rep. Miller would be one of three McDermott employees

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<sup>1</sup> Press Release, McDermott Will & Emery, Former Republican Congressman Jeff Miller Joins McDermott to Reinforce Firm’s Lobbying Practice (Apr. 24, 2017), <https://www.mwe.com/media/former-republican-congressman-jeff-miller-joins/>.

rendering services “directly in furtherance of the interests” of Qatar.<sup>2</sup> McDermott described Rep. Miller’s services as “Government Advocacy (Executive Branch only).”<sup>3</sup>

On that same day, July 27, 2017, Rep. Miller filed a Short Form Registration Statement describing the services he and McDermott would render to Qatar:

McDermott plans to advise the State of Qatar regarding their interests with Executive & Legislative branches. McDermott plans to advocate on behalf of the State of Qatar before members of the US Congress on public policy issues impacting Qatar’s interests. I will only be lobbying the Executive Branch.<sup>4</sup>

The registration form asked whether these services would include “political activities,” as that term is defined in FARA, and Rep. Miller answered “yes.”<sup>5</sup> FARA defines “political activity” as:

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.<sup>6</sup>

In detailing the political activities that would be conducted on Qatar’s behalf, Rep. Miller wrote that “McDermott plans to meet with Members of Congress and their staffs, as well as the Departments of State and Defense, to advocate on the State of Qatar’s behalf. I will not personally be contacting Members of Congress or their staffs.”<sup>7</sup>

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<sup>2</sup> McDermott Will & Emery LLP, FARA Registration Statement, 2 (Form NSD-1) (July 27, 2017), <https://efile.fara.gov/docs/6447-Registration-Statement-20170727-1.pdf>. An attachment to that registration includes a retainer letter dated June 30, 2017 and signed by Qatar on July 13, 2017. See McDermott Will & Emery LLP, Exh. A to Registration Statement, 5-7 (Form NSD-3) (July 27, 2017), <https://efile.fara.gov/docs/6447-Exhibit-AB-20170727-1.pdf>.

<sup>3</sup> McDermott Will & Emery LLP, FARA Registration Statement, *supra* note 2, at 2.

<sup>4</sup> Jeff Miller, FARA Short Form Registration Statement, 1 (Form NSD-6) (July 27, 2017), <https://efile.fara.gov/docs/6447-Short-Form-20170727-4.pdf>.

<sup>5</sup> *Id.* at 2.

<sup>6</sup> 22 U.S.C. § 611(o).

<sup>7</sup> Miller, FARA Short Form Registration Statement, *supra* note 4, at 2.

On September 7, 2017, McDermott filed an amendment to its registration statement disclosing that one of the other two McDermott employees (other than Rep. Miller) who initially registered as a Qatari agent, Stephen Ryan, “has not engaged in activities in furtherance of the interests” of Qatar “and he does not intend to engage in such activities in the future,” and that Ryan’s FARA registration for Qatar would be terminated.<sup>8</sup> McDermott filed no such statement asserting that Rep. Miller failed to conduct activities on behalf of Qatar during any period.

Rep. Miller’s July 2017 FARA filing shows that he planned to aid, advise, and represent a foreign entity—Qatar—in order to influence the decision-making of U.S. officials beginning in July 2017, less than one year after leaving Congress. If Rep. Miller performed the duties as described in his sworn filing prior to January 3, 2018, he appears to have violated 18 U.S.C. § 207(f).

Under Section 207(f),<sup>9</sup> Rep. Miller was barred for one year after leaving Congress from knowingly “aid[ing] or advis[ing]” any “foreign entity” “with the intent to influence a decision of any officer or employee of any department or agency of the United States, in carrying out his or her official duties,”<sup>10</sup> and was additionally barred from “represent[ing] a foreign entity before any officer or employee of any department or agency of the United States” with such an intent.<sup>11</sup>

Qatar, as the government of a foreign country, is clearly a foreign entity for purposes of Section 207(f).<sup>12</sup>

Rep. Miller appears to have “aid[ed] or advise[d]” Qatar because, according to his sworn FARA registration statement, he was engaged “to advise the state of Qatar” and to “advocate on behalf of . . . Qatar.”<sup>13</sup> Rep. Miller also may have “represent[ed]” Qatar because his registration as an

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<sup>8</sup> McDermott Will & Emery LLP, Amend. to FARA Registration Statement, 1 (Form NSD-5) (Sept. 7, 2017), <https://efile.fara.gov/docs/6447-Amendment-20170907-1.pdf>.

<sup>9</sup> 18 U.S.C. § 207(f) prohibits “any person who is subject to the restrictions contained in subsection (c), (d), or (e)” from engaging in certain activities within one year of leaving the “the position, office, or employment referred to in such subsection.” Because Section 207(e) applies to Members of Congress, former Members are subject to the limitations defined in Section 207(f) for one year after leaving office.

<sup>10</sup> 18 U.S.C. § 207(f)(1)(B).

<sup>11</sup> *Id.* § 207(f)(1)(A).

<sup>12</sup> *Id.* § 207(f)(3) (cross-referencing the definition of “government of a foreign country” at 22 U.S.C. § 611(e)).

<sup>13</sup> Miller, FARA Short Form Registration Statement, *supra* note 4, at 2; *see also* U.S. OFF. OF GOV’T ETHICS, SUMMARY OF POST-EMPLOYMENT RESTRICTIONS OF 18 U.S.C. § 207, 11-12 (July 29, 2004), <https://www.justice.gov/sites/default/files/jmd/legacy/2014/05/01/oge-summ-of-207-2004.pdf> (discussing “aids or advises”).

agent of Qatar indicated that he would “be lobbying the Executive Branch” on that foreign government’s behalf.<sup>14</sup>

Rep. Miller’s aid, advice, and representation were prohibited under Section 207(f) because the services were rendered with the intent to influence official discretionary decisions of current U.S. executive branch or legislative employees.<sup>15</sup> The former Congressman acknowledged that any advising provided to Qatar would be “regarding their interests with Executive & Legislative branches,” and the aid and advocacy would pertain to “policy issues impacting Qatar’s interests.”<sup>16</sup> Rep. Miller further acknowledged that he would be engaged in “political activities” on Qatar’s behalf, which, in this context, are defined as activities intended to influence any U.S. agency or official with reference to influencing or changing U.S. policy.<sup>17</sup> Finally, Rep. Miller disclosed that he would “lobby” the executive branch on Qatar’s behalf, which by definition is an activity intended to influence the official decisions of U.S. executive branch employees.<sup>18</sup>

Finally, any such aid, advice, and representation was provided knowingly because Rep. Miller’s signed FARA registration statement states explicitly that he knew he would be acting on behalf of Qatar, and he knew that he would be providing aid, advice, and representation to Qatar regarding its interests before the U.S. federal government.

Rep. Miller has stated publicly that he “made no legislative or executive branch contacts on behalf of Qatar” before his 207(f) obligations

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<sup>14</sup> Miller, FARA Short Form Registration Statement, *supra* note 4, at 2; *see also* SUMMARY OF POST-EMPLOYMENT RESTRICTIONS OF 18 U.S.C. § 207, *supra* note 13, at 11 (A person “represents” a foreign entity when he acts as an agent or attorney for or otherwise communicates or makes an appearance on behalf of that entity to or before any employee of a department or agency”). The Executive Branch is clearly encompassed as a “department or agency of the United States.” 5 C.F.R. § 2641.104. The regulation defines “department” in reference to 5 U.S.C. § 101, which lists virtually all executive departments, and it defines “agency” as an umbrella term for other non-legislative or non-judicial entities, including departments. *Id.* Therefore, Rep. Miller’s plan to lobby only the Executive Branch falls squarely within activity prohibited by § 207(f).

<sup>15</sup> SUMMARY OF POST-EMPLOYMENT RESTRICTIONS OF 18 U.S.C. § 207, *supra* note 13, at 12.

<sup>16</sup> Miller, FARA Short Form Registration Statement, *supra* note 4, at 2.

<sup>17</sup> *Id.*; *see also* 22 U.S.C. § 611(o). “Political activities” include both activities intended to “influence any agency or official,” as well as those intended to influence “any section of the public” with regard to U.S. policy or the interests of a foreign government. *Id.* However, Miller did not disclose any efforts to influence the public: Miller described his “political activities” on Qatar’s behalf as contacting staff at the Departments of State and Defense. Miller, FARA Short Form Registration Statement, *supra* note 4, at 2.

<sup>18</sup> 2 U.S.C. § 1602(7-8) (defining “lobbying contact” and “lobbying activities”).

expired in January 2018,<sup>19</sup> but this matters little: providing “behind-the-scenes” aid and advice in support of Qatar’s lobbying or other influence efforts are also prohibited.<sup>20</sup> This prohibited “behind-the-scenes” work includes, but is not limited to, “drafting a proposed communication to an agency, advising on an appearance before a department, or consulting on other strategies designed to persuade departmental or agency decisionmakers to take certain action.”<sup>21</sup>

Even if Rep. Miller never made lobbying contacts on Qatar’s behalf, any “behind-the-scenes” services in support of the foreign government’s lobbying or influence efforts would nonetheless violate the Act. The most reasonable inference is that he did provide such services: Qatar engaged McDermott to influence government officials,<sup>22</sup> and McDermott’s Supplemental Statement disclosed that McDermott made dozens of lobbying contacts with legislative and executive branch officials on Qatar’s behalf in the second half of 2017.<sup>23</sup> If, as Rep. Miller’s July 2017 FARA registration indicates, he provided aid, advice, or other “behind-the-scenes” services to Qatar in furtherance of those activities, he violated Section 207(f).<sup>24</sup>

It is unlikely that Rep. Miller would have registered under FARA in July 2017 if his activities on Qatar’s behalf would not begin until January 2018.<sup>25</sup> And notably, although McDermott filed an amendment in September

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<sup>19</sup> Lachlan Markay, *Ex-Congressmen Took Your Cash. They Used It to Help the Saudis and the Qataris*, THE DAILY BEAST (Aug. 26, 2019), <https://www.thedailybeast.com/ex-pols-took-your-cash-they-used-it-to-help-the-saudis-and-the-qataris>.

<sup>20</sup> SUMMARY OF POST-EMPLOYMENT RESTRICTIONS OF 18 U.S.C. § 207, *supra* note 13, at 10-12.

<sup>21</sup> *Id.* at 11-12.

<sup>22</sup> See McDermott Will & Emery LLP, Exh. A to Registration Statement, *supra* note 2, at 5 (engagement letter describing McDermott’s activities as “advising and assisting the State of Qatar in establishing and conducting liaison with Executive Branch officials and Members of Congress and the Senate and their staff...”); see also *id.* at 4 (“Describ[ing] fully” McDermott’s activities on behalf of Qatar as limited to “advis[ing] . . . Qatar regarding their interests with the Executive and Legislative branches” and “advocat[ing] on behalf of . . . Qatar before Members of the US Congress.”).

<sup>23</sup> McDermott Will & Emery LLP, FARA Supplemental Statement for Six Month Period Ending 1/31/2018, at 11-12 (Form NSD-2) (Mar. 2, 2018), <https://efile.fara.gov/docs/6447-Supplemental-Statement-20180302-1.pdf>.

<sup>24</sup> See Miller, FARA Short Form Registration Statement, *supra* note 4, at 2.

<sup>25</sup> Had Rep. Miller planned to start work in January 2018 in order to avoid violating 18 U.S.C. § 207(f), he could have indicated as much on his FARA form in order to avoid any perception of impropriety or any allegation of illegal conduct. Notably, Rep Miller did take care to indicate in his registration statement that he would not violate the one-year prohibition on lobbying the legislative branch at 18 U.S.C. § 207(e)(1)(B), by stating that “I will not personally be contacting Members of Congress or their staffs,” and “I will only be lobbying the Executive Branch.” Miller, FARA Short Form Registration Statement, *supra* note 4, at 1, 2. Rep. Miller did not make any similar notation indicating that he would

2017 de-registering one of Rep. Miller's colleagues who had initially registered as a Qatari agent, since he "ha[d] not engaged in activities in furtherance of the interests" of Qatar and would not do so in the future,<sup>26</sup> McDermott filed no such statement asserting that Rep. Miller failed to conduct activities on Qatar's behalf during any period.<sup>27</sup>

In short, Rep. Miller stated in sworn FARA documents that he would aid, advise, and represent Qatar—a foreign entity—with the intention of influencing U.S. government officials on Qatari interests within a year of completing his Congressional term. Any such activities that took place before January 3, 2018 would constitute a violation of 18 U.S.C. § 207(f)(1).

We therefore ask that the Department of Justice open an investigation and determine whether Rep. Miller violated 18 U.S.C. § 207, and take appropriate action if necessary.

Sincerely,



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Brendan Fischer  
Director, Federal and FEC Reform



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Delaney N. Marsco  
Ethics Counsel

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abstain from providing any aid or assistance, behind the scenes or otherwise, or that his work for Qatar would not begin until after his one-year prohibition expired.

<sup>26</sup> McDermott Will & Emery LLP, Amend. to FARA Registration Statement, *supra* note 8, at 1.

<sup>27</sup> After that de-registration, only two McDermott employees were registered to work on Qatar's behalf, one of whom was Rep. Miller. The initial engagement letter between McDermott and Qatar represented that Qatar would be served by two senior McDermott employees, and the \$40,000 per month fixed fee was "based on hourly billing rates." McDermott Will & Emery LLP, Exh. A to FARA Registration Statement, *supra* note 2, at 5. If Rep. Miller provided no services to Qatar until January 2018, it would mean that Qatar paid McDermott a fixed fee of \$40,000 a month between July 2017 and January 2018 for the services of one person, despite the engagement letter describing the services of two employees and the rate being determined based on those two employees' services.

cc:

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