

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

May 4, 2022

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear Attorney General Garland,

I write to reiterate my request that the Justice Department review whether former Congressman David M. Rivera violated the Foreign Agents Registration Act (FARA) by failing to register as a foreign agent working on behalf of the repressive regime of Nicolas Maduro in Venezuela. I am concerned that seemingly little progress has been made on this matter in the two years since I first raised the serious and credible allegations against Mr. Rivera with the Department. If Mr. Rivera carried out work that requires registration under FARA, it is imperative that the Justice Department ensure he is held to account.

FARA requires that anyone who agrees to act directly or indirectly on behalf of a foreign principal, including as a “public relations counsel, publicity agent, information service employee or political consultant”, register as a foreign agent.¹ The purpose of the law is to ensure that the public has the necessary information to make judgements about the political activities of foreign governments and foreign agents operating in the United States. As noted in my May 18, 2020, letter to then Assistant Attorney General John C. Demers, press reports and an ongoing lawsuit suggest that Mr. Rivera engaged in work as a consultant on behalf of the Maduro regime that should have triggered a registration under FARA.²

Through his Florida-based company, Interamerican Consulting, Mr. Rivera allegedly agreed to provide “strategic consulting services” to Petróleos de Venezuela S.A. (PDVSA) after entering into a \$50 million agreement with its U.S. based subsidiary (PDV USA) in 2017, of which Rivera collected \$20 million.³ PDVSA is the state-owned oil and natural gas company of Venezuela, and was at the time controlled by Maduro. According to a complaint filed against Mr. Rivera’s consulting company by PDV USA, Interamerican “organized meetings and engaged with “important policy makers,” “key public officials,” and “public sector stakeholders” for the

¹ 22 U.S. Code § 611(c)(1)(ii).

² Letter from Robert Menendez to Assistant Attorney General John C. Demers, May 18, 2020, <https://www.foreign.senate.gov/imo/media/doc/05-18-20%20RM%20Letter%20to%20DOJ%20on%20FL%20Rep%20Rivera%20FARA.pdf>.

³ Jay Weaver and Antonio Maria Delgado, “Rivera diverted \$13 million from Venezuelan deal to convicted drug trafficker, others,” *Miami Herald*, April 22, 2022, <https://www.miamiherald.com/news/nation-world/world/americas/venezuela/article260644607.html>.

purported purpose of improving PDVSA's "long-term reputation and standing' in the United States."⁴ According to the complaint, Mr. Rivera was selected to provide consulting services by PDVSA, and PDVSA was the entity that was responsible for determining the payments and work to be performed by Mr. Rivera.⁵

Since my original letter, additional disclosures have only added to the likelihood that Mr. Rivera engaged in actions covered by FARA. In December 2020, PDV USA retroactively registered under FARA for engaging in activities on behalf of PDVSA.⁶ Among the activities identified is the 2017 Agreement with Mr. Rivera in which the Venezuelan state-owned oil company was identified as the client.⁷

To protect our national interests and promote continued transparency, I urge the Department to scrutinize Mr. Rivera's apparent work on behalf of a foreign adversary intent on undermining U.S. national security interests. The American people deserve to know whether a former Republican member of Congress was secretly doing the bidding of a dictator responsible for committing crimes against humanity in Venezuela.

As our nation's chief law enforcement officer, I hope that you will give this matter the attention that it deserves.

Sincerely,



Robert Menendez
Chairman

⁴ *PDV USA, Inc. v. Interamerican Consulting Inc.*, Complaint, Case no. 20-cv-3699 (S.D.N.Y., May 13, 2020).

⁵ *Id.*

⁶ PDV USA, Registration Statement Pursuant to the Foreign Agents Registration Act of 1938, OMB No. 1124-0006, December 12, 2020, <https://efile.fara.gov/docs/6903-Exhibit-AB-20201231-1.pdf>.

⁷ *Id.*, Attachment to Exhibit B at 2.