

Congress of the United States
Washington, DC 20515

May 3, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Pai,

It is a fundamental principle in the American broadcast system that the public has a right to know who is behind programming on our public airwaves that is designed to persuade them. This principle is embodied in the sponsorship identification requirements of the Communications Act of 1934 and the associated regulations of the Federal Communications Commission (FCC).¹ We write today to inquire whether the FCC's sponsorship identification and public file ownership disclosure requirements should be applied to foreign state-sponsored broadcast content, such as RT (formerly Russia Today), which U.S. intelligence agencies have determined was used in an effort to influence the American public in our national elections.

Intelligence agencies have been clear about the role RT played in the U.S election. In a declassified report from January, 2017, the Director of National Intelligence referred to RT as "[t]he Kremlin's principal international propaganda outlet."² The report also notes the lengths to which RT has worked to obscure its ties to the Russian government, including changing its name from "Russia Today" to "RT" in 2008 in an effort to "stop scaring away the audience."³ Given RT's efforts to hide its true intentions, we believe it is critical for the American people to have a clearer picture of the true source of this channel's programming.

As staunch defenders of the First Amendment, we are not suggesting that any broadcast speech should be suppressed, but the airwaves are a public trust that have always carried with them special obligations to the public with respect to content broadcast over them. Sponsorship identification is one of those special obligations which extends back to the earliest days of broadcast regulation in the United States.⁴ Requiring broadcasters to maintain a public inspection file with information like ownership data goes back more than forty years.⁵ With RT broadcasting over-the-air in certain markets, we ask whether you believe the FCC's rules should be applied to foreign state-sponsored channels. The American people deserve to know who is attempting to influence them.

¹ 47 U.S.C. § 317 and 47 C.F.R § 73.1212.

² Office of the Director of National Intelligence, "*Assessing Russian Activities and Intentions in Recent US Elections*": *The Analytic Process and Cyber Incident Attribution*, at 4, January 6, 2017. Hereinafter the ODNI Report.

³ ODNI Report at 12.

⁴ See § 19 of the Radio Act of 1927.

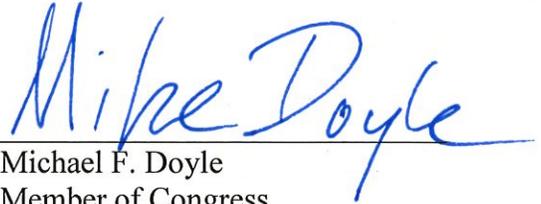
⁵ See 47 C.F.R. § 73.3526; <https://publicfiles.fcc.gov/>

Thank you for your attention to this important inquiry and we look forward to your timely response.

Sincerely,



Anna G. Eshoo
Member of Congress



Michael F. Doyle
Member of Congress



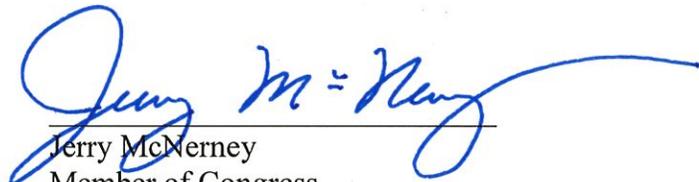
David N. Cicilline
Member of Congress



Judy Chu
Member of Congress



Jimmy Panetta
Member of Congress



Jerry McNerney
Member of Congress



Mark Takano
Member of Congress



Doris Matsui
Member of Congress



Peter Welch
Member of Congress



Eric Swalwell
Member of Congress



David Loeback
Member of Congress



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

May 25, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

I'm writing to follow-up on the letter I sent to you on May 3rd along with ten other Members of Congress relative to RT, the Russian State-sponsored news agency.

As I stated in my original letter, our intelligence agencies have described RT as a propaganda outlet for the Russian government and found that it played a prominent role in the effort to influence the outcome of the 2016 election. Just as disturbingly, RT has taken steps to obscure its ties to the Russian government in an effort to confuse viewers in the United States about its true intentions.

The American people deserve to know the truth about who is behind RT's programming. I believe the FCC has tools at its disposal that can help do exactly that. Please respond to my original letter as soon as possible to this critical issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anna G. Eshoo", with a large, stylized flourish above the name.

Anna G. Eshoo
Member of Congress

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

July 24, 2017

The Honorable Anna Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letters regarding the Commission's sponsorship identification and public file ownership disclosure requirements. In your letter, you ask whether these requirements apply to foreign state-sponsored broadcast content and express your concern about content created by RT. The Commission's sponsorship identification rules require broadcast stations to disclose when they are paid or promised money, services, or other valuable consideration in exchange for the agreement to air particular programming. When this occurs, the Commission's rules require the broadcast station to announce (1) that the programming is sponsored and (2) who sponsored the programming. For example, if RT compensated a broadcast radio or television station for transmitting RT programming, these sponsorship identification rules would apply and disclosure would be required.

In addition, the Commission's ownership disclosure requirements address the ownership of the broadcast station. The ownership report requirement you mention in your letter requires disclosure of the entities and individuals that hold attributable interests in the broadcast station, including any attributable ownership interests held by foreign individuals and entities. For example, if RT directly or indirectly owns a broadcast station, these ownership disclosure rules would apply and disclosure would be required.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Ajit V. Pai".

Ajit V. Pai

Congress of the United States
Washington, DC 20515

September 18, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20536

Dear Chairman Pai,

We're writing in response to recent troubling press reports that a radio network funded by the Russian government may have used U.S. airwaves to influence the 2016 presidential election. We ask that you investigate these troubling reports and apply all applicable laws and regulations to enforce the public interest standard for licensed stations that broadcast this network.

An article published by the *New York Times Magazine* (9/13/17) titled "RT, Sputnik and Russia's New Theory of War" suggests that Sputnik, a radio network funded by the Russian government, was used as part of the Kremlin's effort to influence the 2016 presidential election. In Washington, D.C., listeners can tune their radios to 105.5 FM to hear Sputnik and the Russian government's effort to spread misinformation to influence U.S. policy and undermine our elections. This means the Kremlin's propaganda is being broadcast over a license granted by the FCC and the Russian government may be using our country's own airwaves to undermine our democracy.

The Communications Act of 1934 requires the FCC to take action to ensure broadcast licenses act in the public interest, convenience, and necessity. If Sputnik is in fact being used as a tool by the Russian government to undermine the United States and our free and fair electoral process, the station airing Sputnik is directly violating the public interest standard of the Communications Act.

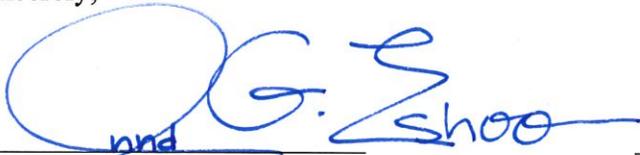
We've written to you previously regarding issues arising from the over-the-air television broadcast of Russia Today. Sputnik's alleged role in the Russian campaign to influence the 2016 election raises the same concerns and violates the public interest by giving a foreign government a microphone to spread propaganda. The Commission must look into the allegations that Sputnik is being used by the Russian government to disseminate misinformation and influence our elections and be prepared to take action. We therefore request that you provide answers to the following questions:

- (1) Is the FCC currently investigating whether broadcast licensees are contravening the public interest by retransmitting radio programming funding by the Russian government in an effort to influence U.S. politics and elections?
- (2) If not, will the FCC commit to undertaking such an investigation?

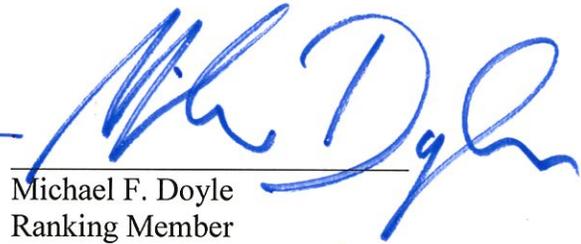
- (3) If the allegations in the above described reports are true, will the FCC commit to enforcing the public interest standard on stations that broadcast Sputnik, in accordance with applicable law and regulations?
- (4) If the FCC were to take action against a station being used to undermine our democracy, what specific steps could the FCC take?

We thank you for your attention to this critically important issue and ask for your timely response.

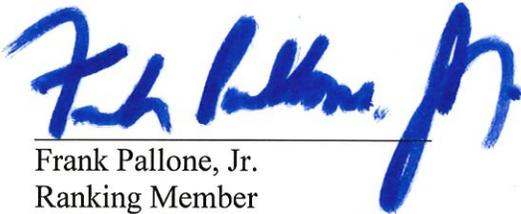
Sincerely,



Anna G. Eshoo
Member
Subcommittee on Communications &
Technology



Michael F. Doyle
Ranking Member
Subcommittee on Communications &
Technology



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 23, 2017

The Honorable Anna G. Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letter concerning the radio programming broadcast on FM frequency 105.5 FM in the Washington, D.C. area, and for the opportunity to respond to your inquiry regarding potential foreign influence over the station's programming.

The station you reference is W288BS, an FM translator licensed to the community of Reston, Virginia. Your letter indicates that programming broadcast by that station is funded by the Russian government. As you know, Section 310(b)(4) of the Communications Act establishes a 25 percent benchmark for investment by foreign individuals, governments, and corporations in U.S.-organized entities that directly or indirectly control a U.S. broadcast radio station license. The *New York Times Magazine* article cited in your letter does not provide evidence, nor has the Commission otherwise been presented with any evidence, that the American licensee of W288BS is in violation of this statutory provision.

FM translator stations such as W288BS are authorized by the Commission's rules only to rebroadcast the transmissions of AM or FM broadcast stations or another FM translator. FM translator stations are required to notify the Commission of the call sign of the station being rebroadcast, which W288BS has done. Subject to this rebroadcast restriction, as is the situation with other broadcast licensees, the First Amendment and the Communications Act generally bar the Commission from interfering with a broadcast licensee's choice of programming, even if that programming may be objectionable to many listeners.

Answers to each of the specific questions raised in your letter are set forth below.

- (1) *Is the FCC currently investigating whether broadcast licensees are contravening the public interest by retransmitting radio programming funding (sic) by the Russian government in an effort to influence U.S. polices (sic) and elections?*

Response: No.

- (2) *If not, will the FCC commit to undertaking such an investigation?*

Response: If credible allegations of specific violations of the Communications Act or Commission rules are received, the Commission may initiate an investigation, as appropriate.

- (3) *If the allegations in the above described reports are true, will the FCC commit to enforcing the public interest standard on stations that broadcast Sputnik, in accordance with applicable law and regulations?*

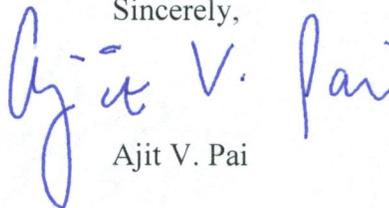
Response: As indicated above, the First Amendment and the Communications Act generally bar the Commission from interfering with a broadcast licensee's choice of programming. However, if the Commission receives credible allegations of specific violations of the Communications Act or Commission rules, we may initiate an investigation, if appropriate.

- (4) *If the FCC were to take action against a station being used to undermine our democracy, what specific steps could the FCC take?*

Response: Any sanctions that the Commission may impose are dependent on the facts of the particular matter and the extent of the Commission's statutory authority. The Commission's authority with respect to broadcast licensees generally includes the ability to issue monetary forfeitures and revoke broadcast authorizations.

I hope this information addresses your inquiry. Let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eskoo
Eighteenth District
California*

December 26, 2017

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

This is the fourth time I am writing to you this year asking that you take seriously the reports that Russian outlets have been and continue to broadcast propaganda over American airwaves. It has been over a month since I last wrote to you about this matter.

In your second response to me dated October 23, 2017, you said that the FCC would launch an inquiry if you were provided with credible allegations of violations of the statute. Here is what we know. We know that RT is a now-registered federal agent of the Russian government. We know that the Russian government has a well-established record¹ of using sophisticated methods to meddle in the affairs of other countries² and undermines the integrity of democracies world-wide. And we know that Russian media at large was distributing incendiary advertising and videos as part of misinformation campaign directed at the parties in the 2016 election.³

We know that our intelligence community issued a report (Jan. 7, 2017) stating it believes with "highest confidence" that Russia did in fact deliberately and systematically infiltrate our

¹ "Examining Russian Disinformation," NPR (Nov. 19, 2017)
<https://www.npr.org/2017/11/19/565153437/examining-russian-disinformation>.

² See, e.g., "The impact of Russian interference on Germany's 2017 election," Brookings Institution (June 28, 2017)
<https://www.brookings.edu/testimonies/the-impact-of-russian-interference-on-germanys-2017-elections/> ;

"Here's the first evidence Russia used Twitter to influence Brexit," Wired (Nov. 10, 2017)
<http://www.wired.co.uk/article/brexit-russia-influence-twitter-bots-internet-research-agency>; Spain sees Russian interference in Catalonia separatist vote," Reuters (Nov. 13, 2017) <https://www.reuters.com/article/us-spain-politics-catalonia-russia/spain-sees-russian-interference-in-catalonia-separatist-vote-idUSKBN1DD2oY>; "NSA confirms it: Russia hacked French election 'infrastructure,'" Wired (May 9, 2017)
<https://www.wired.com/2017/05/nsa-director-confirms-russia-hacked-french-election-infrastructure/>.

³ See "Kremlin trolls burned across the Internet as Washington debated options," Washington Post (Dec. 25, 2017) https://www.washingtonpost.com/world/national-security/kremlin-trolls-burned-across-the-internet-as-washington-debated-options/2017/12/23/e7b9dc92-e403-11e7-ab50-621fe0588340_story.html?tid=pm_world_pop; see also "House Intelligence Committee Releases Incendiary Social Media Ads," New York Times (Nov. 1, 2017) <https://www.nytimes.com/2017/11/01/us/politics/russia-technology-facebook.html>.

communications networks to drive wedges into existing social and political divisions, and manipulate our election⁴; that the Department of Justice believed that intelligence to that end was credible enough to request RT to register as a foreign agent which Russia resisted for months from the highest levels until it finally acquiesced in November⁵; and that RT was leasing time over American broadcast airwaves in the months leading up to, during, and after the election.⁶

The Federal Communications Commission is responsible for protecting those very airwaves, has a duty to ensure that they are used to serve the public trust, and the broadcasters who lease them must act in accordance with the Commission's rules.⁷ I have thrice requested that you investigate whether that public trust has been violated by a foreign adversary through those broadcasters⁸; and so far you have declined to do so⁹.

To that end, I believe this remains your duty and that of the FCC to act *immediately* to address these issues, and I request that you respond to the following:

(1) In your July 24, 2017 letter, you noted that under the Commission's sponsorship identification and public file ownership disclosure requirements, *if* RT compensated a broadcast radio or television station for transmitting Russian programming, the sponsorship identification rules would apply and disclosure would be required. Was RT indeed doing so, and were those broadcast stations in compliance at that time? Are they in compliance now? Have you directed agency resources to thoroughly investigate their compliance?

(2) For what percentage of airtime were the broadcasters transmitting broadcasts produced or funded by, or produced or funded by others at the direction of, RT, and were they in compliance with the foreign media ownership rules?

⁴ "Assessing Russian Activities and Intentions in Recent US Elections," Office of the Director of National Intelligence (Jan. 6. 2017) https://www.dni.gov/files/documents/ICA_2017_01.pdf; see also "Declassified report says Putin 'ordered' effort to undermine faith in U.S. election and help Trump, Washington Post (Jan. 6, 2017) https://www.washingtonpost.com/world/national-security/intelligence-chiefs-expected-in-new-york-to-brief-trump-on-russian-hacking/2017/01/06/5f591416-d41a-11e6-9cbo-54ab630851e8_story.html.

⁵ "DOJ told RT to register as a foreign agent partly because of alleged 2016 election interference," Politico (Dec. 20, 2017) <https://www.politico.com/story/2017/12/21/russia-today-justice-department-foreign-agent-election-interference-312211>.

⁶ "Russia's RT: The Network Implicated in US Election Meddling," New York Times (Jan. 7. 2017) https://www.nytimes.com/2017/01/07/world/europe/russias-rt-the-network-implicated-in-us-election-meddling.html?_r=0.

⁷ "The Public Interest Standard in Television Broadcasting," Benton https://www.benton.org/initiatives/obligations/charting_the_digital_broadcasting_future/sec2.

⁸ "Eshoo Leads Effort for Transparency of Russian State-Sponsored Television" (May 8th, 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-leads-effort-for-transparency-of-russian-state-sponsored-television/>; "Eshoo, Pallone, Doyle to FCC: Russia May be Using our Country's Airwaves to Undermine Democracy," (Sept. 18th, 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-pallone-doyle-to-fcc-russia-may-be-using-our-countrys-airwaves-to-undermine-democracy/>; "Eshoo Calls for FCC Chairman to Investigate RT & Sputnik" (Nov. 16th 2017) <https://eshoo.house.gov/issues/telecommunications/eshoo-calls-for-fcc-chairman-to-investigate-rt-sputnik/>

⁹ Letter from FCC Chairman Ajit Pai to Congresswoman Anna G. Eshoo, dated October 23rd, 2017.

(3) RT is now registered as a foreign agent pursuant to the Foreign Agents Registration Act. What obligations and oversight authority does the FCC have with regard to broadcasters who are leasing U.S. airwaves to foreign agents that are registered with the Department of Justice under FARA? Are RT and any associated broadcasters in compliance?

(4) The DOJ FARA Unit seeks voluntary compliance with the statute, and the DOJ can bring criminal penalties for violation of the FARA. The FCC can revoke broadcast licenses for criminal activity. If the DOJ were to bring criminal penalties against a foreign entity that was leasing time from an American broadcaster, what measure could the FCC take to prevent continued broadcast of that illegal foreign content if the broadcaster did not immediately remove that content? Will you direct the FCC to open an investigation, and personally to see to its prompt conclusion, in the event of any further DOJ action?

(5) Beyond those obligations, what proactive steps will your agency take to monitor broadcast airwaves to ensure that broadcasters leasing to other foreign stations like RT with ties to foreign principals, registered or not, are complying with the sponsorship identification rules? Will you only act if a complaint is brought? Can the FCC act regardless of whether or not a complaint is brought, and be more proactive when it comes to foreign entities leasing American airwaves?

We are entering an election year. These issues have been before the FCC for months, without any action. To wait any longer to assess and address threats to the integrity of our democratic institutions is unacceptable.

I believe every American cares about the prospect of any foreign manipulation of our elections. It is an affront to our most fundamental principles and institutions. I look forward to your timely and detailed response to my inquiry, and to the FCC taking appropriate action in the near future.

Sincerely,



Anna G. Eshoo
Member of Congress

cc:

Commissioner Brendan Carr
Commissioner Mignon Clyburn
Commissioner Mike O'Rielly
Commissioner Jessica Rosenworcel



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

January 30, 2018

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Dear Chairman Pai,

This is my fifth letter to you regarding the transmission of RT (Russia Today) by American broadcasters. I have not received responses to my last two letters, and I'm concerned that your responses to my previous letters have not been helpful. I continue to believe there is still an opportunity to take proactive steps at the FCC to safeguard our democratic systems from subversion by hostile foreign entities, and I urge you to do so.

The FCC requires all broadcaster licensees and cable operators to make their station public inspection file available to the public. It also requires television stations to place most of the content of their public files online, including political filing requirements containing the time, date, and price paid for political campaign advertisements. This is a critical component of ensuring transparency for consumers of broadcast media, and I commend the Commission for its recent vote to modernize this system for the 21st century. It is important that we keep our systems up-to-date, such as eliminating paper contract filings. Just as important as digitizing is ensuring the FCC meets *all* modern needs for media monitoring.

As you are aware, Russian efforts to utilize U.S. media outlets, including broadcast airwaves, to undermine American society and our democratic functions has been widely acknowledged by U.S. authorities, including the U.S. Intelligence Community, which has called RT, the Russian state news agency, "the Kremlin's principal international propaganda outlet"; the Department of Justice, which required RT to register as a foreign agent under the Foreign Agents Registration Act (FARA); and the Congressional Radio & Television Correspondents' Galleries, which revoked RT's news credentials in Congress on November 29, 2017. The transmission of Russian government content over our airwaves is part of a clear and concerted effort to manipulate the American people and I believe this deserves an American response.

I've given a great deal of thought to this situation and I propose the following: the FCC should require any foreign agents registered under FARA who seek time on American airwaves – radio, broadcast, and cable – to file publicly with the FCC under the same requirements used for political files by candidates and issue advertisers, and concurrently send a notice to the Department of

Justice and the State Department. The filings should include: a description of when advertising actually aired, advertising preempted, and the timing of any make-goods of preempted time, as well as credits or rebates provided the advertiser. It is a commonsense solution that makes use of systems already in place and is narrowly tailored to the specific threats posed by foreign agents without unduly burdening broadcasters or cable providers.

We are once again in a critical election year and I remain deeply troubled that we have yet to address widely acknowledged efforts to manipulate the last election or take steps to ensure our next elections are protected. Our society is more fractured than it has been in decades, and the U.S. Intelligence Community has confirmed that the content we've seen from RT is designed to exacerbate those divisions. Just this week, CIA Director Mike Pompeo said that he has "every expectation" that Russia will try to interfere in the 2018 midterm elections¹.

The American people and our oversight institutions need to know where the content of what they see and hear is coming from, enabling our citizenry to be empowered to think critically and prevent any further damage to the fabric of our democracy. I'm committed to finding solutions to what I believe is a serious issue as soon as possible and I hope you and your agency will work with me in this worthy cause to protect the integrity of our public airwaves. Our democracy deserves no less.

I look forward to your timely response.

Sincerely,



Anna G. Eshoo
Member of Congress

CC:

Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel

¹ Cristiano Lima, "Pompeo: 'I have every expectation' Russia will meddle in 2018 midterms," Politico, Jan. 30, 2018.



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 20, 2018

The Honorable Anna Eshoo
U.S. House of Representatives
241 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Eshoo:

Thank you for your letters concerning Federal Communications Commission (FCC) disclosure requirements for broadcast programming. I understand the importance of ensuring that consumers are aware of the sponsor of paid programming, and I am happy to address below the issues you have raised.

You ask that the Commission investigate FCC licensees to determine whether any may have aired broadcast programming by foreign agents—specifically, programming from RT and Sputnik—without proper sponsorship identification disclosure. You are correct that under our rules, broadcast stations must comply with the Commission's sponsorship identification rules. These rules generally require that when money or other consideration for the airing of program material has been received by or promised to a station, its employees, or others, the station must broadcast full disclosure of that fact at the time of the airing of the material, and identify who provided or promised to provide the consideration.

The Commission has not received any evidence that the stations that carry RT or Sputnik programming are in violation of those rules, beyond the references provided in your letters. (To be sure, the Commission has received a small number of complaints from listeners or viewers objecting to the broadcast of RT and Sputnik programming aired on FCC-licensed stations, but as you know, the First Amendment and the Communications Act generally bar the Commission from interfering with a broadcast licensee's choice of programming.)

Based on the information provided in your letters, I have instructed the Enforcement Bureau staff to contact the broadcast licensees that air RT and/or Sputnik programming to obtain additional information regarding any issue that may be within the FCC's jurisdiction. The Bureau will take the appropriate action depending on the facts that emerge during that inquiry. I would note that, without prejudging anything in the instant situation, violations of the sponsorship identification rules typically result in a forfeiture or fine for the licensee, as opposed to license revocation. Also, I should point out that the provisions of the Communications Act and the Commission's rules pertaining to sponsorship identification apply to broadcast station licensees and cable systems, but not to third-party programming providers.

I understand your request that the Commission take steps to monitor the airwaves for compliance with sponsorship identification rules, but I am unable to commit to doing so due to

resource constraints. Given its limited resources, the FCC historically has relied on a complaint-based system, rather than first-party monitoring, to help us detect potential violations. Dedicating a significant portion of enforcement resources solely to this issue would jeopardize our efforts to enforce our rules in several other areas. I can commit to you that we will review, and investigate as necessary, any complaints that are received on this issue.

Further, strong and recent agency action serves to put the entire broadcast industry on notice with respect to our sponsorship identification rules and our determination to enforce them. As you may be aware, we recently proposed a record fine for significant violations of our rules when paid programming lacked the required on-air disclosures. That decision incentivizes broadcast stations to ensure that all paid programming contains the disclosures required under Commission rules.

Incidentally, these same sponsorship identification rules apply to all broadcast licensees regardless of where the station gets its programming and whether or not the entity providing the content is a foreign agent under the Foreign Agents Registration Act (FARA). This sponsorship identification disclosure requirement applies to broadcast licensees and cable systems, and is distinct from FARA, which requires that registered foreign agents provide specific labels on any informational materials distributed by the foreign agent. The U.S. Department of Justice would be better suited to address how, and if, FARA's labeling requirements currently apply to the broadcast programming distributed by RT and Sputnik, as the FCC does not have separate enforcement authority over FARA requirements.

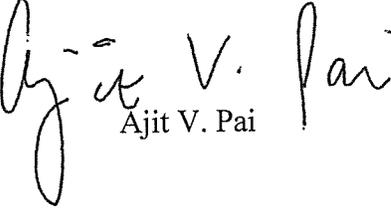
Your letters also raise the issue of whether the Commission's foreign ownership rules need review. Those rules have in fact been reviewed relatively recently; in September 2016, the previous Commission unanimously updated them. Additionally, these rules apply to the ownership and control of broadcast stations, not to the source of programming broadcast by such stations. Thus, it is unclear how such rules would be implicated based on the information currently available.

While the Commission's "secondary market" rules allow certain non-broadcast licensees to lease spectrum to third parties, these rules do not permit broadcast licensees to lease spectrum. In addition, Section 310(d) prohibits the de facto or de jure transfer of control of a broadcast licensee without the Commission's approval. This requires each licensee to retain control over essential station matters, such as personnel, programming, and finances. Although the Commission has authority to forbear from enforcing certain provisions of the Communications Act, this forbearance authority does not extend to broadcast licensees.

Finally, your January 30 letter proposes that the Commission require any foreign agents registered under FARA who seek time on broadcast and cable entities to file publicly with the FCC the same political file information currently required of broadcast and cable entities. However, as with sponsorship identification, the provisions of the Communications Act and the Commission's rules pertaining to political file information apply to broadcast station licensees and cable systems, but not to third-party programming providers.

I hope this has been helpful. Please let me know if I can be of further assistance.

Sincerely,


Ajit V. Pai

Congress of the United States
House of Representatives
Washington, DC 20515

September 17, 2019

The Honorable Ajit V. Pai, Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Pai,

The American people deserve to know when radio programming they hear on public airwaves is foreign government-funded propaganda. Yet today, a listener of WZHF 1390 AM in Washington, D.C. would have no idea that the station's programming is funded by the Russian Federation. We write to request that the Federal Communications Commission (FCC) investigate whether WZHF meets its obligations to disclose and announce the *true identity* of the sponsor of its programming.

WZHF exclusively airs programming produced by Radio Sputnik. RM Broadcasting, LLC entered into a commercial agreement to purchase nearly 100% of the airtime of WZHF from Way Broadcasting, the station's owner and licensee,¹ for the purpose of airing Sputnik Radio programming from November 2, 2017 to December 31, 2020.² Conspicuously, the contract expires shortly after our next presidential election. On November 17, 2017, RM Broadcasting entered into an agreement with Federal State Unitary Enterprise Rossiya Segodnya International Information Agency (Rossiya Segodnya) to air its programming on WZHF.³ On November 25, 2017, WZHF started airing Radio Sputnik on 1390 AM in Washington, D.C.⁴

RM Broadcasting receives significant sums of money as a foreign agent of the Russian Federation to air Radio Sputnik on WZHF. RM Broadcasting sued the Department of Justice (DOJ) to avoid registering as an "agent of a foreign principal" under the Foreign Agents Registration Act of 1938 (FARA), as requested by the DOJ. In May 2019, the U.S. District Court for the Southern District of Florida found that "RM Broadcasting is an agent of a foreign principal and is required to register under FARA."⁵ According to RM Broadcasting's FARA registration forms, it received \$1.4 million between November 2017 and June 2019 from Rossiya Segodnya to broadcast Radio Sputnik.⁶

Radio Sputnik and Rossiya Segodnya are part of a larger Russian government-funded propaganda effort. Rossiya Segodnya is a "Russian Federation government-owned news agency."⁷ The Office of the Director of National Intelligence described Sputnik as a "government-funded outlet producing pro-Kremlin radio and online content in a variety of languages for international audiences" and found that it was part of the Russian government's propaganda efforts to influence our 2016 presidential elections.⁸

WZHF's sponsorship identification of its programming is misleading and fails to identify that the Russian government funds all of the programming on its station. As required by FCC rules, an announcement of sponsorship identification must "fully and fairly disclose the *true identity* of the person or persons, or corporation, committee, association or other unincorporated group, or other entity by whom or on whose behalf such payment is made or promised, or from whom or on whose behalf such services or other valuable consideration is received..."⁹ To fulfill this requirement, RM Broadcasting's programming aired on WZHF contains the following statement: "The radio programming is distributed by RM Broadcasting, LLC on behalf of the Federal State Unitary Enterprise Rossiya Segodnya International News Agency"¹⁰ While the message also informs the listener that additional information is on file with the Department of Justice, this information does not clearly convey that the *true identity* of the programming aired on WZHF is the government of the Russian Federation.¹¹ A reasonable listener of AM radio cannot be expected to know that Rossiya Segodnya is a Russian government-funded propaganda outlet.

The First Amendment prohibits Congress from making laws that abridge the freedom of the press, and we cherish our country's culture of free expression. To be clear, we're not requesting any press censorship. We are, however, asserting that the American people have a right to know when a foreign government—especially an adversarial foreign government—is behind programming aired on American airwaves. Both Congress and the Administration have adopted policies that have this policy objective in mind. In the FY2019 National Defense Authorization Act, Congress requires that U.S.-based foreign media outlets distributing video content through a multichannel video programming distributor report any relationships to foreign principals to the FCC, which is required to publicly disclose on such reports.¹² DOJ Assistant Attorney General for National Security John Demers said about the decision in *RM Broadcasting, LLC v. U.S. Department of Justice*, "The American people have a right to know if a foreign flag waves behind speech broadcast in the United States... Our concern is not the content of the speech but providing transparency about the true identity of the speaker."¹³ Ariana Fajardo Orsha, the U.S. Attorney for the Southern District of Florida, added that "armed with full information, Americans may properly evaluate the value of the speech they hear."¹⁴ We fully support these understandings of our country's press freedoms, both as a legal and cultural matter.

For the above reasons, we ask that the FCC investigate whether WZHF sufficiently identifies the *true identity* of the sponsor of its broadcast programming.

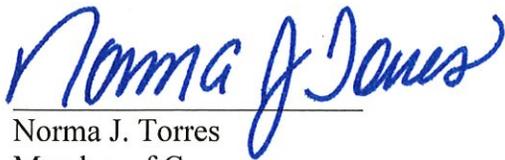
Most gratefully,



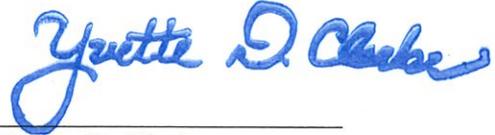
Anna G. Eshoo
Member of Congress



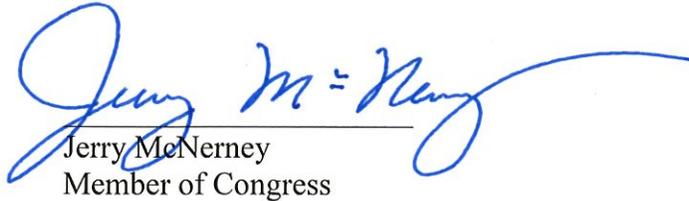
Eleanor Holmes Norton
Member of Congress



Norma J. Torres
Member of Congress



Yvette D. Clarke
Member of Congress



Jerry McNerney
Member of Congress

cc: The Honorable William Barr, Attorney General
The Honorable John Demers, Assistant Attorney General for National Security
The Honorable Ariana Fajardo Orsha, U.S. Attorney for the Southern District of Florida
The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner

¹ "AM Broadcasting License for WZHF (Facility ID 73306)" (Federal Communications Commission, April 22, 2016), <https://publicfiles.fcc.gov/api/service/am/authorization/1694407.pdf>.

² "Way Broadcasting, Inc Agreement Program / Commercial Contract with RM Broadcasting, LLC," November 2, 2017, <https://publicfiles.fcc.gov/api/manager/download/7cdfdc05-1360-1d5f-16e4-55bcd90b9a79/72e54745-3ed2-4cb9-bfc4-29df4b6d77fc.pdf>.

³ "Services Agreement in Respect of Broadcasting and Transmission of Rossiya Segodya Programs," November 17, 2017, <https://www.courtlistener.com/recap/gov.uscourts.flstd.537245/gov.uscourts.flstd.537245.1.6.pdf>.

⁴ Justin Wm Moyer, "D.C.'s Russia-Funded FM Station Expands to AM after Partners Register as Foreign Agents," *Washington Post*, December 1, 2017, sec. Local, https://www.washingtonpost.com/local/dcs-russia-funded-fm-station-expands-to-am-after-partners-register-as-foreign-agents/2017/12/01/cdf1da8c-d3a8-11e7-b7e9-7a29f2f57869_story.html.

⁵ *RM Broadcasting, LLC v. U.S. Department of Justice*, No. 9:18-cv-81418 (U.S. District Court for the Southern District of Florida May 6, 2019).

⁶ "Registration Statement of RM Broadcasting, LLC Pursuant to the Foreign Agents Registration Act of 1938, as Amended (Registration No. 6694)" (FARA Registration Unit, Counterintelligence and Export Control Section, National Security Division, Department of Justice, June 21, 2019), <https://efile.fara.gov/docs/6694-Registration-Statement-20190621-1.pdf>.

⁷ "Complaint for Declaratory Judgement" in *RM Broadcasting, LLC v. U.S. Department of Justice* (U.S. District Court for the Southern District of Florida, October 19, 2018), l. 18, <https://www.courtlistener.com/recap/gov.uscourts.flstd.537245/gov.uscourts.flstd.537245.1.0.pdf>.

⁸ "Background to 'Assessing Russian Activities and Intentions in Recent US Elections': The Analytic Process and Cyber Incident Attribution" (Office of the Director of National Intelligence, January 6, 2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁹ 47 C.F.R. § 73.1212(e). “Sponsorship identification; list retention; related requirements” (emphasis added)

¹⁰ This statement was heard on September 15, 2019. This statement and an additional statement—“Additional information is on file with the Department of Justice, Washington, D.C.”—are different from a previously reported statement, “The radio programming is distributed by RM Broadcasting, LLC on behalf of the Federal State Unitary Enterprise Rossiya Segodnya International News Agency” (“Complaint for Declaratory Judgement” in *RM Broadcasting, LLC v. U.S. Department of Justice*, l. 25.)

¹¹ “Complaint for Declaratory Judgement” in *RM Broadcasting, LLC v. U.S. Department of Justice*, l. 18 (“Sputnik is a news agency, news website platform, and radio broadcast service established by Rossiya Segodnya, which is a Russian Federation government-owned news agency.”).

¹² John S. McCain National Defense Authorization Act for Fiscal Year 2019 § 1085, 47 U.S.C. 624 (2018)

¹³ “Court Finds RM Broadcasting Must Register as a Foreign Agent” (Office of Public Affairs, U.S. Department of Justice, May 13, 2019), <https://www.justice.gov/opa/pr/court-finds-rm-broadcasting-must-register-foreign-agent>.

¹⁴ *Id.*



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

December 3, 2019

The Honorable Anna G. Eshoo
U.S. House of Representatives
202 Cannon House Office Building
Washington, DC 20515

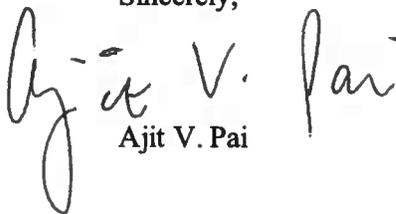
Dear Congresswoman Eshoo:

Thank you for your letter expressing concerns about whether WZHF(AM), Capitol Heights, Maryland, which serves the Washington, DC area, is properly disclosing the sponsor of its programming, as required by the Commission's sponsorship identification rules. I understand the importance of ensuring that consumers are aware of the sponsorship of paid programming.

Last year, after receiving requests from you, I directed the Enforcement Bureau to issue letters of inquiry to broadcast licensees that air RT and/or Sputnik programming and compel them to provide additional information regarding any issue that may be within the FCC's jurisdiction, including sponsorship identification disclosures. At this point, the Bureau's inquiry is ongoing. As indicated last year, the Bureau will take the appropriate action depending on the facts that emerge from that inquiry.

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai

Congress of the United States
Washington, DC 20515

February 13, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

We have all taken oaths to protect and defend our Constitution from all enemies foreign and domestic. This includes foreign governments that wage information warfare against our country. We write to express our deep concern that the FCC has failed to enforce its own rules as they apply to registered foreign agents, allowing hostile Russian propagandists to attack our democracy as another election is upon us. The FCC's continued inaction, after receiving many Congressional letters from us about this critically important issue, is a stunning abdication of its responsibility to protect American airwaves.¹

As you know, the FCC's sponsorship identification rule requires radio stations to "fully and fairly disclose the *true identity*" of the sponsor of any program broadcasted over American airwaves.² However, WZHF continues to air Russian propaganda in our nation's Capital, as it has for more than two years, without informing its listeners that the broadcast is truly sponsored by the Russian government.

In response to previous Congressional letters about this issue, the FCC opened an enforcement inquiry by April 2018 to determine whether WZHF and similar stations are complying with the sponsorship identification rule,³ and in a letter dated December 3, 2019, you confirmed that the inquiry is ongoing.⁴ It's shameful that the Commission has investigated this issue for over a year and a half and has yet to reach a conclusion about whether WZHF is complying with FCC rules. As a result of the Commission's apathetic approach to enforcement, American radio listeners remain in the dark.

We strongly urge the Commission to complete its enforcement inquiry as quickly as possible and compel broadcast licensees that air propaganda on behalf of the Russian government to identify themselves as such on the air. While we've made similar requests in the past, we do so with greater urgency today because the 2020 presidential election is fewer than nine months away and the presidential primaries have already begun. Americans are currently in the process of deciding who they will elect to lead our country, and it's critical that they are not unknowingly influenced by foreign propaganda.

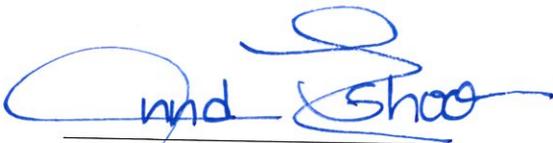
Adding to the urgency of our request are troubling reports that RM Broadcasting LLC, a registered foreign agent, purchased six hours of daily airtime on KXCL in Kansas City.⁵ Today, the *New York Times*, reported that residents of Kansas City will hear this Russian

propaganda during prime driving hours.⁶ This expansion brings daily radio broadcasts of Russian propaganda to a second American city and advances Radio Sputnik's publicly-stated goal to "broadcast in all major U.S. markets."⁷ Considering this development, we urge the Commission to immediately add KXCL to its enforcement inquiry. As Radio Sputnik continues to expand, reaching more Americans in their effort to interfere in our democracy, the FCC *must* act to ensure that Radio Sputnik and the stations that air it comply with the laws and regulations of our country.

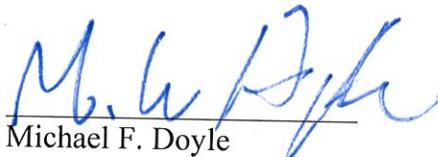
According to the Office of the Director of National Intelligence, "Russian President Vladimir Putin ordered an influence campaign in 2016 aimed at the U.S. presidential election,"⁸ and by all indications, he plans to do so again. In fact, Special Counsel Robert Mueller, in testimony before the House of Representatives, voiced his concern that Russia is planning to interfere in the 2020 presidential elections and warned that "much more needs to be done to protect against this intrusion."⁹ The Russian government's purposeful interference in our elections is to sow division among the American people and undermine public faith in our democratic institutions. They engage in this effort to harm our country and, importantly, to diminish liberal democracy globally in order to legitimize Russia's authoritarian system of government.

As public officials who have sworn an oath to protect and defend our Constitution, we have a duty to safeguard our democracy from Russia's campaign of foreign interference. As Chairman of the FCC, this duty compels you to instruct the Commission to fully enforce the sponsorship identification rule as it applies to adversarial foreign agents *immediately*.

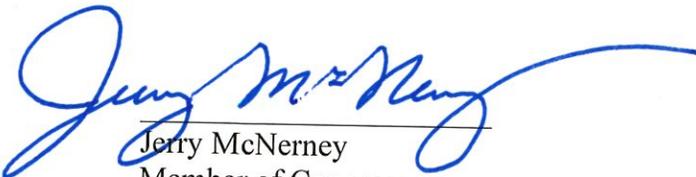
Sincerely,



Anna G. Eshoo
Member of Congress



Michael F. Doyle
Member of Congress



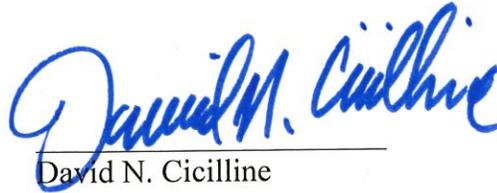
Jerry McNerney
Member of Congress



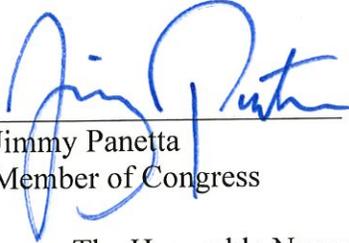
Eleanor Holmes Norton
Member of Congress



Sharice L. Davids
Member of Congress



David N. Cicilline
Member of Congress



Jimmy Panetta
Member of Congress

cc: The Honorable Nancy Pelosi, Speaker of the House of Representatives
The Honorable Michael O’Rielly, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner
The Honorable Brendan Carr, Commissioner

¹ Letters from Members of Congress include: (i) Letter from Reps. Anna G. Eshoo, Michael F. Doyle, David N. Cicilline, Judy Chu, Jimmy Panetta, Jerry McNerney, Mark Takano, Doris Matsui, Peter Welch, Eric Swalwell, and David Loebsack, May 3, 2017, <https://eshoo.house.gov/sites/eshoo.house.gov/files/migrated/wp-content/uploads/2017/05/05-03-17-AE-et-al-to-Pai-Re-RT.pdf>; (ii) Letter from Reps. Anna G. Eshoo, Michael F. Doyle, and Frank Pallone, Jr, September 18, 2017, <https://eshoo.house.gov/media/press-releases/eshoo-pallone-doyle-fcc-russia-may-be-using-our-countrys-airwaves-undermine>; (iii) Letter from Rep. Anna G. Eshoo, November 15, 2017, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (iv) Letter from Rep. Anna G. Eshoo, December 26, 2017, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (v) Letter from Rep. Anna G. Eshoo, January 30, 2018, <https://docs.fcc.gov/public/attachments/DOC-350469A2.pdf>; (vi) Letter from Reps. Anna G. Eshoo, Eleanor Holmes Norton, Norma J. Torres, Yvette D. Clarke, and Jerry McNerney, September 17, 2019, <https://docs.fcc.gov/public/attachments/DOC-361272A1.pdf>.

² 47 C.F.R. § 73.1212(e). “Sponsorship identification; list retention; related requirements” (emphasis added)

³ Letter from FCC Chairman Ajit Pai to Rep. Anna G. Eshoo, April 20, 2018, <https://docs.fcc.gov/public/attachments/DOC-350469A1.pdf>

⁴ Letters from FCC Chairman Ajit Pai to Rep. Anna G. Eshoo, Eleanor Holmes Norton, Norma J. Torres, Yvette D. Clarke, and Jerry McNerney, December 3, 2019, <https://docs.fcc.gov/public/attachments/DOC-361272A2.pdf>

⁵ Steve Vockrodt, “KCXL in Kansas City Begins Airing Russia’s Radio Sputnik,” *The Kansas City Star*, January 17, 2020, <https://www.kansascity.com/news/local/article239359868.html>.

⁶ Neil MacFarquhar. “Playing on Kansas City Radio: Russian Propaganda.” *The New York Times*, February 13, 2020. <https://www.nytimes.com/2020/02/13/us/russian-propaganda-radio.html>.

⁷ Chris Haxel, "Russian 'Propaganda Machine' Selects Kansas City As Its Second Radio Broadcast Site," *KCUR*, January 25, 2020, <https://www.kcur.org/post/russian-propaganda-machine-selects-kansas-city-its-second-radio-broadcast-site#stream/0>.

⁸ "Background to 'Assessing Russian Activities and Intentions in Recent US Elections': The Analytic Process and Cyber Incident Attribution" (Office of the Director of National Intelligence, January 6, 2017), https://www.dni.gov/files/documents/ICA_2017_01.pdf.

⁹ U.S. Congress, House Permanent Select Intelligence Committee, *Former Special Counsel Robert S. Mueller, III on the Investigation into Russian Interference in the 2016 Presidential Election*, 116th Cong., 1st Session, July 24, 2019.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

March 25, 2020

The Honorable Anna G. Eshoo
U.S. House of Representatives
202 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Eshoo:

Thank you for your letter regarding the status of the Enforcement Bureau's inquiry regarding the broadcast of RT and/or Sputnik Radio programming by certain licensees. The Enforcement Bureau conducted an extensive inquiry into the matter, including issuing several letters of inquiry to the licensees that broadcasted this programming, and determined that under the Communications Act, the Commission's rules, and judicial precedent, there is no enforcement action that could be taken against the licensees in question. Therefore, I have directed the Media Bureau to explore whether the Commission should start a proceeding to review and modify our current sponsorship ID rules as they apply to programming provided by a foreign entity. I expect to have the Media Bureau's recommendations in the coming months for possible consideration by the full Commission.

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is written in a cursive style with a large initial "A".

Ajit V. Pai



*Congress of the United States
House of Representatives
Washington, D.C. 20515*

*Anna G. Eshoo
Eighteenth District
California*

April 8, 2020

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Pai,

Thank you for your response to my long-standing request regarding the Commission's enforcement inquiry into the broadcast of Radio Sputnik programming over American airwaves. While I'm pleased that the FCC completed its inquiry, I'm concerned that the Commission's sponsorship identification rules are too permissive if they allow propaganda on American airwaves without requiring identification of the foreign government that is ultimately paying for the propaganda.

I support your decision to instruct the Commission's Media Bureau to modify sponsorship identification rules to account for foreign propaganda. However, I believe your stated timeline of "months" falls short, and I urge you to do everything you can to ensure that this process moves as quickly as possible.

The November general election is less than seven months away and voters are in the process of deciding whom to support. According to Shelby Pierson, the top election security expert in the Intelligence Community, the threat of foreign interference in the 2020 election is "broader and more diverse" than it was in 2016. Other experts agree. It is therefore imperative that the FCC act expeditiously to protect American airwaves. Waiting too long will further damage our democracy.

I will continue to closely monitor the FCC's work on this issue, and I hope you will bring the high urgency to this matter that our democracy deserves .

Sincerely,

Anna G. Eshoo
Member of Congress

cc: The Honorable Michael O'Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner
The Honorable Geoffrey Starks, Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

September 15, 2020

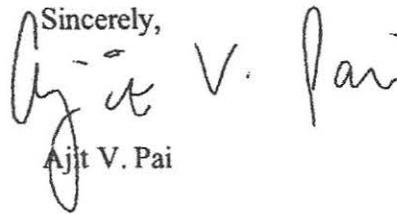
The Honorable Anna Eshoo
U.S. House of Representatives
202 Cannon House Office Building
Washington, DC 20515

Dear Congresswoman Eshoo:

Thank you for your continued interest in the Commission's sponsorship identification rules and how they relate to programming such as Radio Sputnik. As you know, I directed the Media Bureau earlier this year to explore whether the Commission should start a rulemaking proceeding on this issue. I'm pleased to report that I recently circulated a draft item for the full Commission's consideration that proposes to establish strong, clear disclosure requirements for broadcast television and radio content sponsored or provided by foreign governments. Specifically, the disclosure requirements would apply if a foreign governmental entity has paid a radio or television station, directly or indirectly, to air material, or if the programming was provided to the station free of charge by such an entity as an inducement to broadcast the material. The proposed rules would also provide standardized disclosure language for stations to use in such instances to specifically identify the foreign government involved. Moreover, they would cover foreign governments and political parties as well as their agents.

I hope my fellow Commissioners will agree to support the item so that we can move forward with comment periods in the near term.

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai