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

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[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.flsd.537245/gov.uscourts.flsd.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.flsd.537245/gov.uscourts.flsd.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.*