



U.S. Department of Justice

National Security Division

Counterintelligence and Export Control Section

Washington, DC 20530

June 21, 2018

By Email & FedEx

Nichole H. Waid, Esq.
FisherBroyles LLP
2390 Tamiami Trail North
Suite 100
Naples, FL 34103

Re: RM Broadcasting, LLC – Obligation to Register

Dear Ms. Waid:

This is in response to your January 20, 2018, letter in which you responded to our letter of December 21, 2017, seeking information and materials in order to determine whether RM Broadcasting, LLC (RM), has an obligation to register under the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. 611 *et seq.* (FARA or the Act). You also provided a copy of the November 17, 2017, contract (the Contract) between RM and the Federal State Unitary Enterprise Rossiya Segodnya International Information Agency (Rossiya Segodnya).

Taking into account the information provided in your January 20, 2018, letter and the terms of the Contract, we have determined that RM has an obligation to register under FARA as an agent for Rossiya Segodnya, a foreign principal under the Act. Under the Contract, RM acts directly as a “publicity agent” and “information-service employee” for Rossiya Segodnya by effecting the dissemination of radio broadcasts under the name of Radio Sputnik over public airwaves. Such activity gives rise to an obligation to register under the Act.

FARA

The purpose of FARA is to inform the American public of the activities of agents working for foreign principals to influence U.S. Government officials or the American public with reference to the domestic or foreign policies of the United States, or with reference to the political or public interests, policies, or relations of a foreign country or a foreign political party.

The term “foreign principal” includes a “government of a foreign country” and “a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.” 22 U.S.C. § 611(b).

An “agent of a foreign principal” is defined, in pertinent part, as “any person who acts as

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Typed: 06/21/2018
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an agent . . . or . . . at the order, request, or under the direction or control” of a “foreign principal” and “who directly or through any other person (i) engages within the United States in political activities for or in the interests of such foreign principal;” or “(ii) acts within the United States as a . . . publicity agent, [or] information-service employee . . . for or in the interests of such foreign principal.” 22 U.S.C. § 611(c)(1)(i)-(ii).¹

A “publicity agent” refers to “any person who engages directly or indirectly in the publication or dissemination of oral, visual, graphic, written, or pictorial information or matter of any kind, including publication by means of . . . broadcasts, motion pictures, or otherwise.” 22 U.S.C. § 611(h). An “information-service employee” includes any person who is engaged in furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions or any country other than the United States or of any government of a foreign country other than the United States or of any government of a foreign country” 22 U.S.C. § 611(i).

Rossiya Segodnya Is a Foreign Principal Under FARA and Part of the Russian Government

Rossiya Segodnya is a Russian media organization incorporated under the laws of the Russian Federation with a registered office in Moscow.² Russian president Vladimir Putin created Rossiya Segodnya by a decree issued on December 9, 2013, in which he dissolved the state-owned news agency RIA Novosti and replaced it with Rossiya Segodnya.³ According to the December 9, 2013, decree, the core business of Rossiya Segodnya is “the coverage of Russian state policy and public life in the Russian Federation.”⁴ As reported by Sputnik, the “new agency is tasked with promoting Russia abroad,” and seeks to “restore a fair attitude to Russia in every country in the world.”⁵

¹ We note that under FARA’s implementing regulations, “[a]s used in the Act, the term *control* or any of its variants shall be deemed to include the possession or exercise of the power, directly or indirectly, to determine the policies or the activities of a person, whether through the ownership of voting rights, by contract, or otherwise.” (Emphasis added.) 28 C.F.R. § 5.100(b).

² “Putin Dissolves State News Agency, Tightens Grip on Russia Media,” Reuters (December 9, 2013), <http://www.reuters.com/article/us-russia-media/putin-dissolves-state-news-agency-tightens-grip-on-russia-media-idUSBRE9B801120131209>.

³ *Id.*

⁴ “On certain measures to raise operational effectiveness of state-owned mass media,” Presidential Decree, § 4 (Dec. 9, 2013).

⁵ “Margarita Simonyan Appointed Editor-in-Chief of Rossiya Segodnya,” The Voice of Russia (December 31, 2013), https://sputniknews.com/voicofrussia/news/2013_12_31/Margarita-Simonyan-appointed-editor-in-chief-of-Rossiya-Segodnya-news-agency-8519/; “It is Necessary to Restore Fair Treatment Towards Russia,” The Voice

Rossiia Segodnya created the Sputnik brand on November 10, 2014.⁶ Sputnik describes itself as a “news agency whose products include newsfeeds, websites, social networks, mobile apps, radio broadcasts and multimedia press centers.”⁷ Sputnik’s funding comes entirely from Rossiia Segodnya, which itself is funded almost entirely by the budget of the Russian Federation.⁸

As the Contract makes clear, Rossiia Segodnya is incorporated under the laws of the Russian Federation, with a registered office in Moscow, Russia.⁹ Those facts, alone, are sufficient to make Rossiia Segodnya a foreign principal for the purposes of FARA. 22 U.S.C. § 611(b)(3). Rossiia Segodnya also is a foreign principal because it is part of the Russian government.¹⁰ See 22 U.S.C. § 611(b)(1). Rossiia Segodnya’s stated mission is to “secure the national interests of the Russian Federation in the information field,”¹¹ and Rossiia Segodnya’s state-run media services, including RT, Russia’s international television network, and Sputnik, form the backbone of the Russian government’s communications apparatus.¹²

RM Has an Obligation to Register Under FARA

As described above, RM has an obligation to register under FARA because it serves as a “publicity agent” and “information services employee” for Rossiia Segodnya.

Under the Contract, RM is obligated to broadcast Rossiia Segodnya’s programming

of Russia (December 9, 2013), https://sputniknews.com/voiceofrussia/news/2013_12_09/It-is-necessary-to-restore-fair-treatment-towards-Russia-Dmitry-Kiselyov-4500/.

⁶ “About Us,” Sputnik International, <https://sputniknews.com/docs/about/>. Sputnik is not a registered corporate entity in the U.S. Rather, Sputnik operates in Washington, D.C. through RIA Global. RIA Global is responsible for recruiting employees and hiring “Sputnik” personnel. Press credentials issued to “Sputnik” writers associate those writers with RIA Global.

⁷ *Id.*

⁸ Letter from Nikolay Lakhonin to U.S. Department of State (Jan. 30, 2017); Sputnik Congressional Radio-TV Gallery Membership Application (Feb. 21, 2017).

⁹ Contract at p.2.

¹⁰ As noted above, Russian president Vladimir Putin created Rossiia Segodnya by decree in 2013. See n.2, *supra*.

¹¹ Charter of MIA Rossiia Segodnya at §2.1 (Dec. 30, 2013), on file with the Federal Agency on Press and Mass Communications of the Russian Federation, available at <http://fapmc.ru/mobile/rospechat/lwr/unitar/item130.html>.

¹² See Office of the Director of National Intelligence, “Assessing Russian Activities and Intentions in Recent US Elections,” (2017) https://www.dni.gov/files/documents/ICA_2017_01.pdf at 3 (assessing that RT serves as the Russian Government’s “principal international propaganda outlet”).

(Sputnik) on a 24-hour, 7 days a week basis without interruption.¹³ Rossiya Segodnya is responsible for delivering Sputnik programming to satellite while RM is responsible for receiving the Sputnik programming from the satellite and ensuring that the programming is disseminated by broadcast in Washington, DC on 1390 AM.¹⁴ As noted in your January 20, 2018, letter to this office, Sputnik (Rossiya Segodnya) controls all of the content contained in Sputnik broadcasts.¹⁵ RM does not alter the content of the programming. Indeed, the contract prohibits RM from doing so, which the contract describes as a “provision [that] is a material term hereof.”¹⁶

RM’s contractual work constitutes the “dissemination of oral . . . information by means of . . . broadcasts” for Rossiya Segodnya and fits squarely within the definition of a “publicity agent” under FARA. 22 U.S.C. § 611(h). The contract likewise engages RM, by virtue of its transmissions of the Sputnik broadcasts, in “furnishing, disseminating, or publishing accounts, descriptions, information, or data with respect to the political, industrial, employment, economic, social, cultural, or other benefits, advantages, facts, or conditions of . . . [a] country other than the United States,” in this case, Russia. 22 U.S.C. § 611(i). RM, is therefore, also an “information-service employee” of Rossiya Segodnya under FARA.¹⁷

Effecting the Registration Obligation

In light of the foregoing, please effect RM’s registration within thirty (30) calendar days of this letter.

Useful information and forms needed for registration may be found on our website at <http://www.fara.gov>. If you have any questions regarding registration or have additional information to provide, please contact (b) (6), (b) (7) at (202) 233-0776 or by email at FARA.public@usdoj.gov.

Sincerely,

(b)(6)

Heather H. Hunt, Chief
FARA Registration Unit

¹³ Contract at ¶ 2.1.

¹⁴ *Id.* at ¶¶ 2.1 – 2.3.

¹⁵ Letter from Nicole H. Waid to Heather Hunt and (b) (6), (b) (7) (January 20, 2018), p.2-3.

¹⁶ Contract at ¶ 6.2(c)(vi).

¹⁷ Moreover, the entire arrangement, that is, the contract between Rossiya Segodnya and RM, and the contract between RM and Multicultural Radio Broadcasting, LLC, the owner of 1390 AM, enables Rossiya Segodnya to do what it would otherwise not be able to – that is, control a radio station in its entirety.